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CONCORDIA UNIVERSITY

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NOTE FROM THE VICE-RECTOR ACADEMIC

FACULTY OF ARTS AND SCIENCE

I am pleased to be provided with the opportunity once again to extend my warmest congratulations to the students in the Department of Political Science for your extracurricular work in the publication of this Journal. Your achievement is indeed remarkable.

In particular, I would like to congratulate the contributors to this Journal. The essays reveal a superior level of academic achievement. Indeed the time and energy which you have spent preparing the essays deserve very special commendation. To the editors of the Journal and the academic advisors, I extend the University's gratitude for a job well done.

This Journal is certainly a collaborative effort, and it witnesses to the dynamism of the Department of Political Science within the Faculty of Arts and Science.

Concordia has every reason to be proud of this student achievement, and I wish you continued success.

Vice-Rector, Academic
Faculty of Arts and Science
Concordia University

A NOTE FROM THE CHAIRMAN
OF THE DEPARTMENT.

As the fourth annual publication of the Political Science Students' Journal goes to press, it is with a great deal of pride in our students' achievement that the Department and I extend our congratulations to the authors and the editors for having maintained the traditional high standards of excellence that have characterized the journal since its inception four years ago.

The journal continues to represent a challenge for Political Science students, aiming to stimulate their research and analytical skills by recognizing meritorious scholarly work through publication.

It is important to emphasize, once again, that, except for faculty assistance in editing, for which special thanks should go to Professor J. Moore, the entire publication is the product of long hours of devoted work contributed by the students themselves. In addition to the authors, special mention should be accorded to the student editorial, financial and publication board (Ms. Janina Pink, Mr. Tim Morson and Mr. Kenny Calder) for their excellent accomplishment.

On behalf of the students, I should like to again thank the Vice-Rector, the Deans of Students on both campuses and the Dean of Division II, for their continued encouragement and financial assistance towards this student project.

Special thanks should be extended to Ms. Jeannie Krumel for her long hours of work in typing the manuscripts.

Everett M. Price
Chairman
Department of Political Science.

INTRODUCTION

THE POLITICAL SCIENCE STUDENT JOURNAL is appearing for the fourth consecutive year, bringing students of Political Science a selection of some exceptional essays written by their peers during the past academic year. These papers are reflective of the good scholarly style all students should strive to achieve, and mark current interests and issues in Political Science.

The journal is a joint project of the Loyola and Sir George Williams Political Science Student Associations. Professor J. W. Moore deserves special thanks for his continuous assistance and constructive criticism. We gratefully acknowledge the advice of Professor Everett Price on preparing the journal, and a special mention must go to the secretaries on both campuses, Mrs. Blanche Gilligan and Ms. Jeannie Krumel, whose help was invaluable.

Ms. Janina Pink
Mr. Tim Morson

EDITORS.

TABLE OF CONTENTS   PAGE

HUMAN RIGHTS AT HELSINKI - AIMS AND RESULTS

IRENE SAHAROV

INTRODUCTION

The signing of the Final Act of the Conference on Security and
Cooperation in Europe on August 1, 1975 in Helsinki was one of the high
points of detente. For some political analysts and government leaders
in the West, this document was heralded as the repudiation of the policy
of 'balancing on the brink of war' and the creation of a new set of
ground rules aimed at reducing the risk of confrontations in Europe.
As Nixon stated, the policy of detente would lead the world "out of the
lowlands of constant war and on to the high plateau of lasting peace."[1]
The Final Act, and particularly the Declaration of Principles Guiding
Relations between States, was seen as the inauguration of this new era
of incrased East-West cooperation. The Decaloque, as this part of the
document is usually referred to, sets down ten principles.

1. Sovereign equality, respect for the rights inherent
   in Sovereignty.
2. Refraining from the threat or the use of force.
3. Inviolability of frontiers.
4. Territorial integrity of States.
5. Peaceful settlement of disputes.
6. Non-interference in internal affairs.
7. Respect for human rights and fundamental freedoms,
   including the freedom of thought, conscience, religion or
   belief.
8. Equal rights and self-determination of peoples.
9. Cooperation among states.
10. Fulfillment in good faith of obligations under inter-
    national law.

In the Soviet Union, the policy of detente was sanctified with relevant quotations from Lenin, who was declared the founding father of the Soviet Union's policy of peaceful coexistence with the capitalist world.

> These are the principles of peaceful coexistence for which V.I. Lenin, the founder of the Soviet State, fought with such determination and consistency and for which our people are fighting to this day.[2]

The Final Act also includes a document on Confidence Building Measures and Certain Aspects of Security and Disarmament, aimed at the elimination of the causes of tension and at reducing the danger of military confrontation. Basket II of the Final Act is devoted to cooperation in the fields of economics, of science and technology and of the environment, with particular emphasis on the promotion of trade and industrial cooperation. Basket III deals with Cooperation in Humanitarian and other Fields, and aims at expanding cooperation in the field of culture, education, information and contacts between people in an effort to promote mutual understanding. The Final Act also sets down a provision for a follow-up conference to continue the multilateral process initiated by the conference.

Despite all the rhetoric about ensuring a new era of peace and cooperation and the establishment of guiding principles aimed at finding a workable modus vivendi between countries having differing social and political systems, the Helsinki Accord, and Basket III in particular, proved to be a graphic illustration of the difficulties involved in finding a pragmatic accomodation between two conflicting world views. Neither side was willing to abandon the competitive aspects of their relationship, seeking unilateral advantage in their interpretations of Basket III, which was, significantly, a first attempt to negotiate questions related to the sphere of ideology. The Western diplomats in

charge of negotiating human rights issues soon found out that significant concessions from the Soviet bloc were not to be expected. Since no common definitions of human rights seemed realistically attainable, and faced with the intransigence of the Soviet bloc, the only alternative left to the third commission was the task of papering over the ideological differences. Thus, despite any achievements of the Helsinki Accord in regards to the easing of world tension, Basket III underscored the width of the ideological gulf separating the two systems and brought it to the fore with the help of world publicity.

SOVIET AND WESTERN AIMS FOR THE CSCE

The Soviet Union's objectives in calling for the CSCE were clear and consistent with their vital interests. Despite the fact that Western non-interference in the Soviet sphere of influence in Europe had been an unwritten law since the end of World War II, Stalin's successors had all maintained the objective of gaining NATO's recognition of the borders of Europe redrawn by the Red Army. During the sixties, persistent Warsaw Pact overtures about a security conference in Europe were treated cooly. However, with the election of the SD party in the FRG and Brandt's repudiation of Adenauer's policies in favor of Ostpolitik, the USSR did gain the acceptance of the Oder-Neisse boundary and the recognition of East Germany from the member of NATO that was most affected by border readjustments of World War II. Although the Brandt government had signed a bi-lateral agreement to this effect with Moscow in 1972, it had tied the ratification of the treaty by the Bundestag to progress made on the Berlin issue. Since the continuation of tensions over Berlin was potentially the most volatile issue facing the NATO allies, they too linked the acceptance of the Warsaw Pact proposals to hold a Security Conference on progress made on Berlin and on the German Question. With the resolution of these issues, the Western Allies had no obvious reasons to continue to oppose the convocation of the Conference. This tactic of linkage adopted by the West was appraised as a victory of Western strategy by Henry Kissinger, who writes:

> We could not agree on a date until there had been progress
> on other negotiations, especially on Berlin; nor could we let
> the Soviets focus on the recognition of the status quo
> in Europe until the results of Bonn's Ostpolitik were
> clearer; Bonn, not we, should assume the responsibility for
> accepting the division of Germany ... We had, in fact,
> blunted the Soviet strategy of selective detente by linking
> key issues to one another.[3]

Having achieved its objectives on the borders issues on a bi-lateral basis with the FRG, some analysts were surprised that the USSR continued to press for a multilateral Security Conference. It has been suggested that this was due to the importance that the Soviet Union attributes to legal aspects of its foreign relations.[4] Soviet interest in the Conference, however, transcended the border issues: in the aftermath of the Prague Spring, the conference could serve to remind the East European satellites of not only tacit but of official Western recognition of Soviet hegemony. Richard Pipes suggests that since World War II, the Soviet foreign policy has been characterized by a defensive element which seeks to sanction communist authority once established as inviolate. The Soviets have assumed that the USA does not covet what the USSR has; therefore, the USSR can launch offensives, loosing nothing of what it already has, while the USA has to make concessions as an alternative to a nuclear holocaust.[5] The only country that challenges Soviet hegemony is China, and it would seem certain that Soviet policy in Europe was at least partially designed to neutralize the Western flank, a message that China could not ignore.[6]

Another Soviet goal which gained prominence in the sixties, as the Soviet economic growth rates began to decline, was the need for infusions of Western technology to prop up the weaknesses in the Soviet economy. It had become apparent that the Soviet economic model created by Stalin was geared at generating high growth rates at the initial stages of industrialization, but was not conducive to the development of technological innovation in a more mature economy. Trade and technology have assumed a much more important position in East-West relations, a fact

that was reflected in Basket II of the CSCE. Soviet commentators also note the more long range military and political goals aimed at the eventual demilitarization of Europe and stress that the CSCE was but the initial stage of confidence building measures that in the long term would lead to this ultimate end.

> The positive changes that have taken place in Europe during the past few years have made it possible to bring up the question of reducing armed forces and armaments in Central Europe, where a dangerous confrontation persists between NATO and the Warsaw Treaty.[7]

What did the Western democracies have to gain from the Security Conference, apart from the easing of tensions and creating an atmosphere more conducive to peace through cooperation? Certainly the diffusion of tension in Europe and a rapprochment with the 'new and improved' Soviet Union was a welcome change to a prospering Europe, eager to enjoy its wealth after so many years of crises and confrontations. At the same time, the development of a climate conducive to the opening of the East European and Soviet markets could not be ignored by Western business interests. But the purely commercial motives for seeking closer contacts were subsumed by the barrage of analysis showing that economic relations could put a breach in the traditional Soviet autarky, thus, making the USSR more susceptible to Western pressures and use Soviet needs "to draw the USSR into the discipline of international economic life."[8] (Trade interdependence, however, can work both ways, as illustrated by the recent European reticence to join the USA inspired trade sanctions in the wake of the Afghanistan invasion.) It was also argued that closer trade and other contacts between East and West would erode the Soviet leadership's credibility with their own people. After all, how could the Kremlin persist in painting the West as hostile and aggressive, if evidence of closer cooperation and contacts were established? A popular school of thought, most often associated with Henry Kissinger, aimed at establishing closer East-West relationships which would "weave Lilliputioan threads across the ideological abyss, until the assumptions by which Marxist-Lenninists justify their totalitarian ideology are shown to be self evidently absurd."[9]

Some Western analysts were even critical of the inclusion of
the section on Cooperation in Humanitarian Field, considering this to be
a "Trojan horse,"[10] "an attempt to displace the center of gravity of
the negotiations towards transnational problems, related in the last
analysis to the internal affairs of the parties present."[11] "If there
were problems in relation to this Basket," writes Thierry Hentsch, "it
was because the West decided to make this Basket the pivotal point of
a Conference, originally aimed at security."[12]

Parallel to this viewpoint, the more hard-line approach towards
communist countries continued to be espoused in the West; a view which
denied the possibility of a lasting peace in a world that was half free
and half slave,and for which the only hope of lasting peace lay in the final
triumph of the free world[13], or at least in the internal democratization
of the Communist bloc. Pierre Hassner, in criticizing the priorities
of the Western negotiators, suggests that the first stage of any true detente
should be consacrated to search for "common definitions of such notions
as cultural cooperation, subversion and non-intervention"[14] and that only
after the Communist bloc countries demonstrate their willingness to accept
these prerequisites, should the West pursue commercial and other exchanges.

The Western approach to the Helsinki Conference mirrored a
certain duality that incorporated both these schools of thought. On the
one hand, the West held out the incentive of increased trade, and agreed
to bury the hatchet over territorial issues, while at the same time
Basket III was in effect a challenge aimed at gaining ideological concessions
from the USSR.

It must have occurred to the Western countries that the price
paid by the USSR for Western acquiescence to hold the conference (easing
of the Berlin tension) was not commensurate to tangible Soviet gains.
The introduction of Basket III to the agenda was designed to test the
Warsaw Pact's seriousness about deepening detente, of expanding it beyond
the selective framework proposed by the Soviet Union to include the

discussion of contacts between people and the freer flow of information, issues which after all lie at the very heart of establishing a real relaxation of tensions that could be savoured by Europeans on an individual basis. The divergence in Western tactics, if not ultimate aims, would be reflected in the text of Basket III, which turned out to be a compromise between different positions within the Atlantic Alliance. For while the final text loudly proclaims the inviolability of human rights, it leaves enough loopholes for the USSR and its Eastern European allies to blatantly disregard the provisions of Basket III by citing the face-saving escape clause - non-interference in internal affairs of sovereign states.

BASKET III

A cursory look at the provision of Basket III and at Article 7 of the Decalogue (Declaration of Principles) seems to indicate that the Soviet Union and the Eastern bloc countries had accepted Western interpretations of human rights.

> The participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, language or religion. They will promote and encourage the effective exercises of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential to his free and full development ...
>
> They confirm the right of the individual to know and act upon his rights and duties in this field. [15]

The above excerpt from the Decalogue and in fact, Basket III on the whole, seems seeped in the "bourgeois" tradition of 19th Century liberalism which assumes that human rights and international peace are indissoluble and interdependent, and that the best assurance for both lies in the freer flow of information and the expression of individual

opinion.[16] This assumption, however, is only marginally applicable to the Soviet context for no matter how well the Soviet citizen is informed about the West, in practical terms he is largely excluded from the centralized decision-making process. While from the Marxist-Leninist perspective, these ideals are relegated to the arsenal of bourgeois values, designed to distract the working class from their objective interests, interests that are best defined by the Party.

If in Western style democracies the rights of the individual are considered sacred, in the USSR the State developed from an instrument providing for the primacy of the rights of a class into an instrument to secure the primacy of government rights before the rights of the citizens.[18] The Constitution of the USSR subordinates the rights of the individual to his duties to the state. While the Soviet Constitution guarantees freedom of speech, freedom of the press, freedom of assembly, meetings and demonstrations, freedom of religion and anti-religious propaganda, these rights are qualified by those well known euphemisms for state control: "in accordance to the interests of the people and in order to strengthen and develop the Socialist system",[19] "in accordance with the aims of building communism."[20]

As far as greater freedom of information is concerned, this too in the Soviet view is relegated to the sensitive area of ideology, since there can only be pro or anti Soviet information. As Brezhnev said, "It is no secret that the media can serve the aims of peace and trust and can also spread the poison of discord between countries and people."[21]

Given the gulf between the two positions on the interpretation of human rights, and since any form of ideological compromise from either camp was not a realistic expectation, we can only speculate why the USSR agreed to include this topic on the agenda, a topic that could only expose the Soviet Achilles heel. First of all, the resolute stance

on the inclusion of human rights issues exhibited by the West made clear to the Eastern bloc that the convocation of the conference itself was contingent on the discussion of Basket III. Thus, in essence, Basket III was an attempt to make the Warsaw Pact countries pay for their concrete gains. Also, in an age when individual liberty and human rights have been elevated to the level of absolutes; a refusal to discuss these issues would have been interpreted as an admission of vulnerability. When the final agreement on the agenda was reached, the reluctant Soviet acceptance of opening a dialogue on human rights was seen as a major victory for the West.

Having accepted to include Basket III on the agenda of the CSCE, the Soviet bloc proceeded to employ tactics designed to dilute its main thrust, disappointing the optimists as to the extent of the Western victory and degree of Soviet conciliation that had been attained. Preliminary negotiations on Basket III took three tortuous years to complete, a fact which in itself attests to the extent of Soviet resistance to what they perceived as an ideological incursion.

The Soviet bloc's negotiating position, particularly in multi-lateral East-West negotiations, is enhanced by the internal discipline characteristic of the proponents of democratic centralism. On the other hand, the thirty-five were not always united on the extent of Soviet concessions to aim for. Sweden and France, for instance, counselled against the introduction of Basket III on the agenda without specific reference to different social systems and customs in order to make the discussion of these issues more palatable to the USSR.[22] Western aims ranged from the affirmation that the abolition of barriers in Europe represented one of the goals of the CSCE, to a more reserved stance, which cautioned against adopting too firm a position on human rights for fear of triggering an ideological tightening in the East.[23] The Western countries, thus, had the added task of negotiating a common position between themselves before presenting it to the other side. (These differences in attitudes would

become more apparent after the signing of the Final Act, when each of the thirty-five would have to decide what position to adopt in the face of Soviet violations of the human rights provisions.) Also, as the three years of preliminary negotiations seem to indicate, the Soviets' persistence in delaying and stonewalling tactics was designed to wear down Western patience and forced the Atlantic Alliance to multiply amendments to proposed texts until they were watered down sufficiently to allow the Warsaw Pact to sign formulations that had a great latitude of interpretation. Hentsch draws attention to the statistical analysis of proposed amendments and shows that the onus of finding an accomodation with the intractable Soviet stance lay with the West.[24]

The Mandate of the Third Commission read as follows:

> La Commission ... sera chargee d'examiner toutes les possibilites de cooperation permettant de creer de meilleurs conditions pour laccroissement des echanges dans le domaine de la culture et de leducation, pour une plus large diffusion de l'information, pour l'extension des contacts entre les personnes et pour la solution des problemes humanitaires.[25]

When discussions of the issues related to cooperation in the humanitarian field began, the gulf between the East and West positions was considerable. To concrete Western proposals on the expansion of human contacts and movement of people, increases in the flow of information on easing restrictions on journalists in Eastern Europe, and on the right of individuals living in Eastern Europe to leave and re-enter their countries, the Soviet side persistently raised three major restrictions. They insisted that all exchanges be subordinated to the respect for internal sovereignty of each country and non-interference into the internal affairs of states; they stressed the predominant role of governments and organizations; and, as Soviet ambassador Maltsev put it, that the extension of cultural cooperation, contacts between organizations and people and the diffusion of information "exclude anti-culture: pornography, racism, facism, violence, hatred between people and slanderous and false propaganda."[26]

These objections were not acceptable to the Atlantic Alliance. The USA, Denmark and the Netherlands accused the East of using the principle of non-intervention and sovereignty to mask their intentions of limiting fundamental liberties. The West, on numerous occasions, raised the objection that the CSCE did not wish to create new limitations by restricting exchanges to government channels.[27]

The Communist countries were also adamant about the inclusion of a preamble to the section on Cooperation in the Humanitarian and Other Fields that would include their cherished notions that human contacts should conform to the laws and customs of each country and should not be used to interfere into the internal affairs of sovereign states. The protracted impasse was finally solved through compromise, with the Soviet side dropping their insistence on the preamble and accepting instead a reference to the Guiding Principle between States, where the principle of non-interference had been established.

By the time a mutually acceptable text for Basket III had been worked out, it proved sufficiently vague to allow for subjective interpretations and contained references to notions that were dear to both sides. The Soviet bloc dropped their insistence on restrictions against "anti-culture" which was substituted by those well known euphemisms - "desiring to contribute to the interests of peace" and "for the spiritual enrichment of the human personality." The West was pleased with a Soviet concession in the following section.

> Determined, therefore, to cooperate among themselves, irrespective of their political, economic and social systems, and in order to create better conditions in the above fields, to develop and strengthen existing forms of cooperation and to work out new ways and means appropriate to these aims.[28]

From the Western perspective, the above passage seems to negate the Brezhnev Doctrine and, at the same time, commits the Warsaw Pact to continued efforts in developing these contacts.

The Eastern bloc had also dropped their insistence that human contacts be subordinated to state institutions. The final text accomodates both sides.

> The participating States,
> Make it their aim to facilitate freer movement and contacts, individually and collectively, whether private-ly or officially, among persons, institutions and organi-zations of the participating States, and to contribute to the solution of humanitarian problems that arise in that connection.[29]

The wording of Basket III reflects a flexibility that does not commit the signatories to anything more than "to favourably consider" or "to deal in a positive and humanitarian spirit," within "reasonable time limits", "as expediently as possible" applications for travel for personal or professional reasons and for families wishing to unite. There is only a commitment "gradually to simplify and to administer the procedures for exit and entry." Contacts between representatives of religious faiths and institutions and organizations must be "within the constitutional framework of participating States."

As far as the wider dissemination of information is concerned, since the State controls the inflow of information in the communist countries, the Warsaw Pact could safely sign these declarations of good intent. In what concerns the taking out of private subscriptions or ordering printed material on an individual basis through the mails, this, however, is qualified by the restriction "according to the modalities particular to each country."

Thus, the vagueness of the formulations and the references to the principle of non-intervention have given the Communist bloc consider-able latitude of interpretation and provided them with a ready made refutation for any criticism of non-compliance with the provision of Basket III.

REACTIONS AND INTERPRETATIONS OF THE HUMAN RIGHTS PROVISIONS OF THE
HELSINKI ACCORD

The signing of the Final Act elicited both positive and negative
reactions in the West. The proponents of a hardline stance accused the
signatories of falling into a Soviet trap. How could the West take
seriously Soviet pledges to respect human rights? Was the Gulag to be
dismantled? Would dissidents be interviewed in the Soviet press;
would the New York Times be sold in Moscow news stands? What about
Eastern Europe, the Baltic republics? Wasn't this a Munich-like sellout
of their national interests in return for some nebulous promises of good
intentions? In the event of another Prague Spring, would the USSR
repudiate the Brezhnev Doctrine and abide by the principle on non-intervention
in the internal affairs of sovereign states, or would articles of
the Decalogue be interpreted in accordance with the dialectic position?

Supporters of detente accentuated the positive aspects of
the Accords: the fact that the Helsinki Agreement was published in all
signatory countries, the fact that adherence to Basket III would
be monitored on a permanent basis, and that the date of the first review
committee had been set to take place in Belgrade in June 1977. There-
fore, the Helsinki Accords were not a static contract but a dynamic
multilateral process, "much more than a concordate between Nato and the Warsaw
Pact Powers. Rather, it is a declaration of every state in Europe,
together with the two major states of North America, of the principles
which they intend to govern their relations."[30] And although the Final
Act "does not create new and immediate legal obligations ... it either
confirms the existence of pre-existing legal obligations, sometimes
making them more specific, or it gives rise to moral and political
obligations."[31]

With characteristic unanimity the Soviet press and political
analysits heralded the signing of the Final Act as a triumph for Soviet
diplomacy, emphasizing the legalization of the territorial status quo

in Europe and the victory of the policy of peaceful co-existence promoted by the Communist Party.

> ... the beneficial influence of the Helsinki resolutions on the situation in Europe and, indeed, elsewhere in the world has become quite clear. They have contributed to the further normalization of the political climate and the cooperation among countries with different social systems on the only possible basis - the principle of peaceful coexistence. They have strengthened the European people's confidence in the peaceful future of the continent ... and cut the ground from beneath revanchist attempts to change the territorial and political status of Europe, which has come about as a result of the Second World War and postwar development.[32]

Soviet attitudes to Basket III, however, must be considered within the larger framework of detente. What does the term "easing of international tension" mean to the Soviet Union? Can we attribute this policy to the Soviet desire to maintain parity with the USA and to their acceptance of the military status quo in the world? Based on Soviet interpretations of detente, such a viewpoint seems erroneous. The reformulation of the Soviet Union's foreign policy came at a time when that country became the other superpower in military terms and when the Kremlin concluded that the correlation of power in the World had shifted in favour of the forces of socialism.[33] Consequently, closer cooperation with the West and trade in particular, could only strengthen "progressive" forces without affecting the predetermined evolution of the historical process. According to Brezhnev, "detente by no means annuls the battle of ideas."[34] Detente does not alter the rules of the class struggle and does not help the capitalists or freeze the status quo. Rather, detente is the path for more favorable conditions for peaceful socialist and community construction.[35]

Following the Soviet interpretations of the rules of detente, the West must supply the Soviet Union with access to western technology and accept the continuation of Soviet support (including military support) of various "progressive" forces around the world; however, any

Western initiatives in the realm of ideology that can threaten the Socialist system, such as the insistence on the Western interpretation of human rights, are of course unacceptable and violate detente.

The Soviet Union has made it quite clear that any attempts to derail detente from functional cooperation to peaceful coexistence in the realm of ideology, or to increase Western ideological challenges, would not be tolerated.

> Some are trying to pervert the very essence of the Final Act adopted at Helsinki, to use this document as a screen for the interference in the internal affairs of socialist countries, for anti-communist and anti-soviet demagogery in the style of the 'cold war.'.[35]
>
> There were, as it is known, attempts to interfere in our internal affairs connected to the USA's adoption of discriminatory measures in trade. Obviously, we could not accept this. This is not the language to use in talking to the Soviet Union.[36]

In every case of criticism of the Soviet Union's human rights record, Party spokesmen have fallen back to the convenient section of the Accord dealing with the prohibition against interference in the internal affairs of states. According to Brezhnev, the provisions of Basket III are not for immediate, but for future implementation, when a sufficient degree of trust will be built up between the two sides.

> The Results of the conference in many ways are directed to the future. Future prospects of cooperation in a whole range of areas have been mapped out - in economics, science and technology, culture and information, in the development of contacts between people.[37]

Perhaps it is the Soviet hope that in the future the West will be ready to accept Soviet interpretations of human rights.

Western evaluations of Basket III seem to be divided between those who view it either as a trap or a boomerang. Obviously, Western negotiators of the Helsinki Accords were not so naive as to expect that the Communist bloc countries would immediately begin complying with the human rights provisions or would accept Western interpretations of Basket III. There was, however, a constituency within the Eastern bloc to whom the human rights provisions were really addressed to - the dissidents - and it was their position that Basket III aimed at strengthening. In fact, sections of the Final Act seem to owe much to Sakharov's ideas expressed in Peace, Coexistence and Intellectual Freedom, Ideas which may have seemed naive at the time. His emphasis on the indivisibility of detente is certainly reflected in the Final Act.

> It is especially important to emphasize that the
> problems of disarmament cannot be separated from the
> other basic concepts of detente: overcoming
> the secretiveness of Soviet society, strengthening
> international trust, and weakening the totalitarian
> character of our country. Even if we are striving to
> solve only the disarmament problem, its solution
> nonetheless demands unflagging attention to human
> problems: to the defense of human rights, and to
> facilitating exchanges of people and information
> as the basis for international trust. This
> "indivisibility of detente" must not be forgotten.[38]

Sakharov's programme did serve as a common denominator for dissidents of all ilks and stripes and could potentially serve as a rallying point for the various embryonic religious, political and national oppositions. The Soviet view that the West used the human rights issues to heat up the ideological challenge was certainly correct, for the West obviously did attempt to influence the internal process of liberalization in Eastern Europe and in the Soviet Union by strengthening the hand of those elements who seek to weaken party hegemony.

Supporters of Western initiated ideological struggle stressed the boomerang effect of the Helsinki Final Act which publicized the issue of human rights around the world, drawing attention to violations in the Communist bloc. They pointed to the instant propagation of Helsinki Monitoring Groups in the East. They watched with pride the precocious behaviour of dissidents and gloated over the seeming impotence of the Communist Parties to squash them. It was also pointed out that the Soviet Union was softening its stance on dissent as a direct result of detente, that it could not breach the Accords without serious loss of face,etc.

> ... in the era of detente the regimes become increasingly sensitive to Western criticism and have sought to avoid spectacular criticism on this score. Detente, the Helsinki Accords, have helped dissent.[39]

Some analysts even expressed the hope that if human rights could find wide support in the Communist countries, these ideas could become a lever which could effect major changes in those societies.[40] In order to accelerate these hoped for changes, and perhaps overestimating the Soviet Union's willingness to compromise on ideological purity against pragmatic considerations, the United States Congress attempted to link the human rights issues to trade in the Jackson-Vanik Amendment. Although the Kremlin clearly demonstrated that it would not "be bought", it did use human rights issues, particuarly the question of immigration to its own advantage. By manipulating the tap of immigration flows and by organizing much publicized exchanges of dissidents for spies or communist leaders, by exiling dissidents to the West rather than to Siberia, the Soviet leadership could manipulate Western public opinion by creating an illusion of internal liberalization.

If in the short term the Soviet leadership was cautious in its treatment of dissidents (at least the ones whose names were known in the West), was this restraint due to the seriousness with which they treated Article VII of the Decalogue, or as suggested by Soviet dissidents, was this the result of the hard line stance taken by the media in the West?

Perhaps the strongest appeals for linking human rights issues
with other aspects of detente (notably trade) have come from Soviet
dissidents, who point out that without exacting a price for closer
cooperation, in the form of relaxation on controls of human rights,
the West is only helping to strengthen the monolithic control of the
Party. "A real, not a false detente can only be achieved as a result
of ideological coexistence; as a result of ideological peace instead
of War."[41]

Solzhenitsyn, Sakharov, Ginzburg and others all share a
common moral stance in their appraisal of East-West relations. Solzhenitsyn,
with his characteristic vehemence, is critical of Western "legal
realism" which recognizes realities but pushes aside moral considerations.
Solzhenitsyn refutes the legalistic position that if oppressive laws
are established in a society they still must be respected.

> The European negotiators of the 35 countries for two
> years now have painfully been negotiating and their
> nerves were stretched to the breaking point and they
> finally gave in. A few women from Communist countries
> can now marry a foreigner. And a few newspapermen
> will be able to travel a little more than before.
> They give 1/1,000th of what natural law should
> provide. Matters which people should be able to
> do even before such negotiations are undertaken. And
> already there is joy.   And here in the West we hear many
> voices saying: "Look, they're making concessions, its
> time to sign."[42]

There are no longer any internal affairs on our crowded planet
writes Solzhenitsyn, and the only way to effect internal changes in
the Soviet Union and in Eastern Europe is not through trade and closer
cooperation with an oppressive regime, but through a trade boycott and
assistance to the dissident movement.[43]

Sakharov too fears that the lack of a united front in the
West and pressure from profit oriented business community may lead
Western governments to close their eyes to human rights violations
in order to promote trade. [44]

Dissidents generally share the communist perceptions of the amoral, profit-oriented business interests in the West who are willing to forsake the ideological struggle and aim for accomodations with totalitarian regimes, leading to the weakening of the West's moral fibre. They refute the claims of the proponents of quiet diplomacy and those who claim that detente has wrought concessions from the communist governments by showing that it is not due to acquiesence to the status quo in communist countries that is responsible for any limited liberalization, but on the contrary: moral indignation, confront- ation, boycotts, demonstrations and outraged public opinion. So while Soviet authorities claim that they will not tolerate interference in their internal affairs, ultimately, they must take public opinion into consideration, because they are aware that in the West public opinion has an effect on government policy. "President Ford assured the American people that the signing of the Final Act in Helsinki does not counter American moral principles ... however, quiet diplomacy requires compromises, and Solzhenitsyn was not received at the White House in order to preserve the friendship with Brezhnev."[45]

This rather pessimistic appraisal of East-West relations interprets the Final Act as a complete victory for the Soviet Union; not only did the Kremlin gain official Western acceptance of Soviet hegemony over Eastern Europe, wider access to technology, but the West has shown itself reluctant to exact the price for these concessions, by espousing a firm and consistent stance on compliance with the human rights provisions.

Having signed the Helsinki Accords, it was of course up to the governments of signatory countries to determine how strongly to get involved in championing the issue of human rights. It became quickly apparent that the Republic administration in Washington and that the governments of the major European allies tended to downplay ideological confrontation and a hard line on human rights. The American Secretary of State, Henry Kissinger, promoted a policy aimed at finding a practical modus vivendi between different socio-economic systems. This

position was based on a view of the world which took into account the cultural and philosophical diversity where the norms of the Western Democracies were of marginal relevance. Although the aims of this position was to achieve a gradual mellowing of traditional communist intransigence, the tactics adopted were geared at avoiding confrontations over contentious issues while developing those areas where mutually beneficial cooperation was possible. (President Ford's decision not to meet with Alexander Solzhenitsyn was based on this rationale.)

Some analysts developed this policy even further by suggesting that the Helsinki Final Act should provide "standards and goals rather than enforceable commitments to specific, unambiguous forms of behaviour."[46] Others proposed that the first task of the West was to win the confidence of governments in the East, rather than embark on a crusade for human rights.[47] In fact, it soon became apparent that adherence to human rights provisions was not considered the first priority to most government in the NATO alliance.

With the election of President Carter in the USA, American foreign policy seemed to reverse the priorities of the former administration. Carter began his term with a missionary zeal by openly proclaiming his championship of human rights throughout the world. His much publicized letter to Sakharov, his meeting with Bukovsky and frequent references to human rights in interviews and speeches seemed to indicate that the USA had embarked on the path of ideological warfare against the Soviet Union. This attitude was not welcomed in Europe where the Allies were committed to the Realpolitik stance vis-a-vis the East. French President Giscard d'Estaing challenged the new American policy, stating that it put into question the entire process of detente. "We are in a situation of mutual distrust, aggravated by the new ideological dimension in the area of human rights."[48] The British Foreign Secretary

also reminded Carter of where the West's priorities should be, by stating that "the first task of governments is to provide and sustain the framework of peace and security within which human rights can be discussed, championed and enlarged."[49] President Carter was not only subjected to a wrist-slapping by his allies, but quickly learned that the Kremlin was in no mood to tolerate an ideological challenge. By threatening to withdraw from the Salt negotiations, the President was forced to succumb to atomic blackmail and concede that the most important human right was peace and and that all others must be subordinated to this goal.

CONCLUSION

Was the inclusion of Basket III in the Final Act a trap for the West? Was the Soviet Union's payment for Western recognition of the territorial status quo in Europe made in counterfeit currency; or did the human rights issues turn into a boomerang which will continue to strike back at human rights violations in Eastern Europe and the Soviet Union?

In answering these questions, we must first of all dismiss the possibility that the West had illusions about the Kremlin's good faith in adhering to the provision of Basket III. The loophole of non-intervention in the internal affairs of states was obvious to everyone, and served as a face-saving device showing that the negotiators were more interested in burying the hatchet over potential territorial claims and in promoting trade, than in insisting on Moscow's compliance with Basket III.

If one of the aims of Basket III was to score a propaganda victory over the Communist bloc through world wide publicity of an area where communists are vulnerable, then the West can consider itself

victorious. However, in what concerns the aim of using human rights to effect internal changes in the Soviet Union and Eastern Europe, the results have proven far from successful. The chronicle of human rights violations has been well documented.[50] The Soviet Union has openly flaunted its disregard for the Accords by its presecutions of most of the members of the Moscow Helsinki Monitoring Group. (To date, only one member of the group is still free, although he is subjected to continuous harassment and surveillence.)[51] Naturally, under Soviet conditions, the charges against them have nothing to do with their true activities and range from treason and speculation, to trumped criminal charges, including rape. Helsinki Accords or not, the Party cannot accept concepts that would weaken its monolithic control.

As the Belgrade Conference has shown, the review commission of the Helsinki Accords proved to be merely an exercise in mutual recriminations. The USSR accused the West of a litany of sins against human rights, which they interpret as the right to employment, medical care and education; throwing in such issues a racial discrimination, Watergate and Vietnam for good measure. Ambassador Goldberg's expressions of "vigorous disapproval of repressive measures taken in any country against invididuals and private groups whose activities relate solely to promoting the Final Act's goals and promises"[52] was countered by Soviet spokesmen as blatant attempts to derail detente and "poison the atmosphere" by resorting to "psychologicl warfare."

At Belgrade the West no longer had any leverage to use against the USSR. The paper concessions on human rights made by the Eastern bloc in Helsinki were to pay for the long sought summit on European Security; at Belgrade they were not shopping for new concessions and focussed their energy on getting out of the line of fire as quickly and as painlessly as possible. This task was simplified by the lack of

unanimity on approach among the Western nations. The policy of President
Carter seemed to be placing the issue of human rights on the center of
detente, while many West European states were cautiously balancing
between morality and reality..

Any clear indictment of Soviet non-compliance with the human
rights provisions was also precluded by the consensus rule that
governed the Belgrade Conference, and as a result, the final document
turned into a compromise between thirty-five nations in which human
rights were not even mentioned.

> It was recognized that the exchange of views constitutes
> in itself a valuable contribution toward the achievement
> of the aims set by the Conference on Security and Cooperation
> in Europe, although different views were expressed as to
> the degree of implementation of the Final Act reached
> so far.[53]

The brevity and inconclusiveness of the document issued at
Belgrade can only be seen as a victory for the Soviet Union which was
able to divert the human rights boomerang thrown in Helsinki.

In retrospect, it has become apparent that the Kissinger approach
of accentuating the positive and avoiding irritants in East-West relation-
ships did not encourage the Kremlin to adopt the Western rules of detente,
as shown in the USSR's continued military expansion in Africa and Asia.
Was not the policy of de-emphasizing Soviet human rights violations
allowing the USSR to keep detente selective while facilitating their
suppression of dissent at home. Did not this policy in effect return
the deposit given at Helsinki by the Soviet Union?

President Carter's policy of keeping the issue of human rights
alive is certainly a laudable aim which seeks to create a world in which
human rights will be a universal criterion,transcending political
systems. However, domestic geopolitical American interests have muted

his initial enthusiasm. As the recent events in Iran have shown, it is difficult for the President to maintain both an evenhanded policy on human rights and defend American geopolitical interests. Also, the enormous military strength of the Soviet Union and the threat of war, can now be used by the Kremlin to affect changes in American foreign policy.

Bad press releases in the West alone cannot act as a lever for effecting any softening in the Soviet regimes. As the dissidents suggest, the West must be united in its linkage of human rights with trade. If Western technology would not be forthcoming from one or another Western country, would not the Soviet systems be forced to bring about some forms of decentralization and to create conditions where more individual initiative could be exercised in their own economy, a development that could foster the rise of more pluralistic tendencies in other areas as well.

A concerted and unified Western trade policy with the Soviet Union could make trade the lever that is needed to affect internal changes in the Eastern bloc, although at present, this seems a rather remote possibility.

It is this author's opinion that the Helsinki Accords and Basket III in particular, have vividly illustrated the depth of the precipice that divided the world into blocs. Expectations of sincere efforts on the part of the Soviet leadership to initiate reforms from above or allow for the growth of pluralistic tendencies, especially when faced with such half-hearted and ambivalent support from the West, are of course purely illusory. Perhaps it is time to study more seriously the proposals of Soviet dissidents, whose ideas, particularly those of Alexander Solzhenitsyn, have been branded as extreme and retrograde

at a time when detente was still a fashionable word. Distasteful as
it may appear to people in the West who want nothing better than to
believe that the Kremlin leaders honestly share their belief in
peace and in the feasibility of a true detente, or to those whose
main interest is in development of Soviet and East European markets,
the time may have come, to consider the adoption of a less conciliatory
stance vis-a-vis the Communist bloc and to defend more vigorously the very
principles that Western democracies are based upon. Perhaps this approach
will be more successful in creating a world where respect for human rights
will truly become the cornerstone for all societies.

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THE PALESTINIAN QUESTION VS.
HUMAN RIGHTS

GASTON HENRIQUEZ

INTRODUCTION

This study is an attempt to examine the Palestinian Question within the context of human rights. At the beginning of this paper a few questions will be raised such as an attempt to answer who the Palestinians were. Further, their historical experiences in the twentieth century will be investigated.

The Palestinians did not resort to armed struggle for the sake of armed struggle per se but because there existed bitter grievances. The importance of these questions stems from the fact that the Palestinians are the cornerstone of the Arab-Israeli conflict and as a result, peace cannot be achieved without the Palestinians being accommodated.

Moreover, one is inspired to write about such an issue which the people in the western hemisphere have looked at through the Israeli-Zionist eye. The Zionist supporters from the time of Theodore Herzl in the 1890's to David Ben Gurion in the 1950's and Golda Meir in the 1960's have viewed the Palestinian people as uncivilized natives without a national or political identity.

Upon being involved with the delicate Palestinian dilemma it is also necessary to focus attention on the conflict which later developed between the Palestinian Liberation Organization and the Lebanese regime during the late 1960's and the early 1970's which brought about the Lebanese crisis.

The Palestinian Question was first brought up before the United Nations in April, 1947. Thereafter it has been discussed in the United Nations continuously and it has captured the attention of many international organizations. The Palestinian crisis has remained as one of the most complicated problems in the contemporary world. This is shown by the United Nations'resolutions which, since 1948, have attempted to solve the crisis. While this is going on, the Palestinians are still living in camps and continue to be stateless people without future aspirations.[1]

Last summer the Honourable Flora Macdonald, the former Minister of External Affairs of Canada and an advocator of human rights, took a courageous stand at the United Nations when she offered Canada's assistance for the Indo-Chinese "Boat People"; but what about the "Tent People" of Palestine who have been enduring the tent life since 1948 in such places as Syria, Jordan and Lebanon? Certainly this is not a criticism aimed at Mrs. Macdonald so much as it is an attempt to clarify the relationship between politics and the issue of human rights. This is in fact a critical point of divergence bringing us to the following question. "Are all human rights being dealt with in the context of absolutes or within the context of relativism or national interests and politics?" No doubt that the latter part of the question is a fact.

This topic will further examine the experience the Palestinians suffered after 1948, the socio-political effects and the human aspect of this drama in which the Palestinian natives were transformed into non-entities.

CHAPTER I

HISTORICAL BACKGROUND TO THE MIDDLE EAST

Causes of the Conflict

Despite the fact that there existed some Zionist agitation before Theodore Herzl's time, this Hungarian journalist is considered to be the Founder and Spiritual Father of the Contemporary Zionist Movement. In 1897, the first Zionist conference was held in Bazel, Switzerland from August 27th to August 30th. This conference signified the beginning of the Zionist Movement. The aim and objectives of Zionism were "to create a homeland for the Jews in Palestine secured by public law."

The basis of this historical claim stems from the Old Testament which reads "unto thy seed have I given this land from the River of Egypt into the great river, the River of Europhrates."[2] This is known as the GOD-Abraham covenant which gave the seeds of Abraham a divine right in Palestine. Thereafter comes the manner in which this covenant became almost an instant reality. "I will send my fire before thee and will destroy all the people to whom thou shalt come..... And I will send Hornets before thee which shall drive out the Hivite, the Canaanite and the Hiffite from before thee.... I will not drive them out from before thee in one year lest the Land became desolate and the beast of the field multiply against thee."[3]

The Zionist claim that such historic title has no basis in common law or international law.[4] The term "historic right" or "historic title" is used for Maritime territory as historic bays and waters but has no relation to territorial recovery of the land of another people after 2000 years. On the other hand, if one is to examine the viability of this statement it has no relationship with historical and political reality. This is shown as follows:

1. Abraham was not the only man living in Canaan
   and the Old Testament makes this very clear:
   "Abraham passed through and the Canaanite and
   was then in the Land."[5]

2. Why to enslave the people of this Land.[6]

3. Why to send Hornets to kill people; these by
   themselves make a divine right an absolute
   impossibility.

Without going on any further in this discussion, this claim is
necessary to describe two fundamental aspects; the complete contradiction
of the principles of international law and the said statements were
used as a framework for the step by step struggle which occurred from
1897 to 1948.

Developments of the Conflict

Another document pertinent to Palestine which the Zionists
have been relying upon is the Declaration of James Arthur Balfour on
November 2nd,1917. Balfour, the British Foreign Minister at the time,
explained the following to Lord Rothschild.... His Majesty's government
view with favour the establishment of Palestine as a national home for the
Jewish people.[7] This declaration was illegal and can be described as
interference with the internal affairs of the Palestinians in their homeland.
Secondly, it contradicted the assurance given to the Arabs in general
and to the Palestinians, concerning their independence from Turkey after
the war (ie. The Hussein-McMahon Correspondence 1915-1918). Thirdly, it
reflected the influence of the Zionist movement upon British politics.
(1-55-57).

Henry Cattan, in his book Palestine and International Law, points
out that the Palestine Mandate endorsing the Balfour Declaration and
accepting the concept of the establishment of a Jewish national homeland
in Palestine, violated the sovereignty of the people of Palestine and
their natural rights of independence and self-determination.[8] Also,

Professor Keith has observed that the adoption of the concept of a Jewish national homeland ran contrary to this right of self-determination. It was stated in the "Mandates" that the League of Nations did not have the power, no more so than the British Government did to carve up Palestine or to grant to the Jews any political or territorial rights in that country. This being the case, the action to recognize rights for alien Jews in Palestine, must be null and void.

A second ground of invalidity of the Palestinian mandate is found in the violation of the spirit and letter of Article 22 of the Covenant of the League of Nations. Stated concisely the main objective of the League was to ensure the well-being and development of all the peoples inhabiting the mandated territories.

Thirdly, by the endorsement and implementation of the Balfour Declaration, we have a conflict with the assurances and pledges given to the Arabs during World War I, by Britain and the allied powers. In admitting to the invalidity of the Palestine mandate, we can then see the legal consequences. In law, an action which is held to be invalid is also held to be inoperable. The mandate therefore could not, at least in theory, impair or destroy the rights of the original inhabitants.

What about the Palestinian homeland. It is a consensus of opinion that Human Rights are being seriously infringed upon in the case of Palestinians in the Middle East situation. Many of us feel that there will be no Palestinian homeland if peace in the Middle-East depends on it. [9]

During the 1914-18 war the French and British had mutually agreed upon the carving up of the Middle East, although the British confused matters considerably by conflicting promises made to various groups and leaders among the Arabs, The Soviet Union, having no interest in areas that were not Turkish willingly abandoned the suzerainty that had been at best only vaguely exercised over Arab lands.

As the Arabian peninsula became independent, France was given "mandates" over Syria and Lebanon and Britain over Iraq, Transjordan and Palestine, where the British were committed by the Balfour Declaration of November 2, 1917 in establishing a national homeland for the Jews. Thus from the interplay of European interest and power, with a dash of moral force, emerged the problem of conflicting nationalisms that came to dominate the Middle East thirty years later.

By all odds, Palestine is listed as the most factful British problem in modern times. A British mandate since the end of World War I, Britain had to balance its moral committment to support a national homeland for the Jews against a long standing involvement with the Arabs; a tie reinforced by the crucial need for oil and by the general military and diplomatic importance of the Middle East. The Arabs feared the growth of the Jewish population and in 1939, due to wartime necessities, the British put a strict limit on Jewish immigration.

In the aftermath of the war, as a result of the Nazi slaughter of the Jews, the Zionist ideal became irresistible to hundreds of thousands of Jews displaced from their homelands and to others who found it impossible to live in a Europe stained with such haunting memories. The pressure on the British from their contradictory obligations to humanity and the imperatives of diplomacy as well as from their American allies became unbearable. Beset by Jewish terrorists in the postwar years as they had been by Arab terrorists in the late thirties, the British simply announced in May, 1948 that they would withdraw, turning the problem over to the United Nations. The U.N. decided to partition Palestine carving out the new Jewish state of Israel and leaving the remainder of the country to be absorbed by Jordan. Again the war in Israel was born in military triumph.

There was no mention of homelands. The Palestinians were kept in refugee camps. When they became too boisterous, they were driven out of Jordan at gunpoint. How tragic!

Syria was not too happy with them in Lebanon either. Listening
to Arabs speak about a Palestinian homeland is the same as listening
to a South African speak about racial equality. However, there is a
case to be made for a Palestinian homeland.

Israel exists because the Western Allies of Europe, after
World War II, felt guilty about the Jews - a guilt rightly placed,
there were, of course, many millions of non-Jews systematically exterminated
in the war. Nobody fought for the Jews. The United States declined to
help them at every opportunity. The United States went to war - as did
the British - only when its empire was threatened. For a fascinating
glimpse of the Jewish problem at this point, please read the diaries of
Sir Henry Chips Channon.

Israel was created as a sort of war reparation. This land
for Israel was not taken from the vanquished nations - not carved from
Silesia or West Prussia. It was seized from people who had absolutely
nothing to do with the Holocaust. For the sins of the Nazis, the
Palestinian Arabs paid dearly.

The Zionists, who include the present Prime Minister of
Israel, claimed the land for historical reasons, which are always the
worst type. The Judea of Biblical times was an exceedingly small place.
Syrian and Iraqi descendents of ancient Assyria and Babylonia could
make a similar claim. The Irish have as just a claim to the land occupied
by the City of London.

The Israelis can justly speak about encirclement, unrelenting
terrorists' attacks and unprovoked wars. The result has always been
the same - more territory. "Security" always equates itself with more
Arab lands. Very recently, Prime Minister Menachem Begin was upset at
the United States for objecting to the Israeli expanding settlements
in Occupied Arab lands. In February, 1978, on an American television
program, Foreign Minister Moshe Dayan defended Israel's settlements

on the West Bank - which has been Jordanian throughout Israeli history -
by saying that the people of Israel do not consider the West Bank as
foreign land.

Throughout this long conflict the Palestinians have had some
opportunity to state their case in rational,reasonable, civilized terms -
to appeal for fairness and sympathy, to confront the Israelis with some
guilt of their own. But this was not the Palestinian way. They preferred
the rhetoric of the machine gun and the eloquence of the suitcase bomb.
On many occasions when the Israeli position was, at the least,debatable
the Palestinians offered nothing more persuasive in response than shrill,
crazed hooting when they sent a spokesman to appeal to the West. They
chose an unshaven pistol-packing ruffian looking character who described com-
promise as capital crime, and who equated Palestinian survival with mass
murder. Whenever, in the past, there seemed the slightest chance for
the Palestinians to gain some sympathy from the West, they instead turned
gleefully to hijacking a jetliner or blowing up a school or machine-
gunning a hospital.

In February 1978, Egypt incensed by the murder of prominent
newspaper editor Youssef Sibaei, stripped Palestinians living in Egypt
of special rights they had enjoyed for more than twenty years. Egypt
blamed Palestinian extremists for the murder of Sibaei, who was gunned
down by two Arabs in Nicosia. Since the 1956   Suez Canal crisis,
Palestinians living in Egypt had enjoyed the same living conditions,
legal and professional rights - but not political rights - as Egyptian
citizens.

At the same time Egypt is charging that Israel's decision to
pursue its policy of expanding settlements on occupied Arab lands, threatens
the Middle East peace.

The Israeli Cabinet had decided not to alter its controversial
policy regarding Jewish settlements on lands caputred from the Arabs during
the 1967 war. By adhering to its present policy, the government has
decided to sanction the expansion of existing Israeli settlements in the
northern Sinai and to go ahead with previously announced plans for new

settlements on the West Bank of the River Jordan. The settlements'
controversies have caused friction within the ranks of Mr. Begin's coalition
government, led by the right-of-centre Likud party.

In March, 1978, the Jordanian government again refused to
join the Egyptian-Israeli peace negotiations after U.S. mediator Alfred
Atherton met with King Hussein. As King Hussein puts it:

> "We are unwilling to take part in the talks
> under the present conditions because Jordan
> believes in a unified Arab stand and a com-
> prehensive settlement."

King Hussein reaffirmed that Jordan wants a just peace based on Israeli
withdrawal from all occupied Arab land and guarantees to the Palestinian
peoples' national rights, including self-determination. Mr. Atherton
emphasized to the King the American conviction that the settlement
we seek must resolve all the issues, including withdrawal from occupied
territories, secure and recognizedboundaries and the Palestine issue
in all its aspects.

Egyptian President Anwar Sadat, in a history-making appearance
before Israel's Knesset on November 20th, 1977, all but recognized
the Jewish nation and asked the Israeli people to accept the creation of a
Palestinian state so the bells of peace can toll in the Middle East.
His appearance in Jerusalem had been unthinkable two weeks previously,
before Sadat made his dramatic offer to fly there. Much of the Arab
world raged at his visit, a fury that escalated into calls for his assass-
ination as a traitor. Sadat brought with him no startling new proposals,
but the drama was in the occasion itself.

Begin conspicuously avoided any mention of Palestinians and
referring to occupied territories said that we did not take any strange
lands and that we only returned to our own land. The Israeli leader
hailed Sadat for courage of heart in coming to Israel.

President Sadat offered his five-point peace plan to be discussed at a reconvened Geneva Peace conference. They were as follows:

1. Israeli withdrawal from territory occupied after the Middle East Wars.

2. Creation of a Palestinian state.

3. Guaranteed secure boundaries for all.

4. Establishment of relations in the region under the United Nations charter.

5. Termination of the state of war.

Then President Sadat came near to recognizing the Israeli state, whose existence is not even admitted by the Arab world. "We rejected you in the past, yes," Sadat said, "We refused to meet with you, yes. We described you as the so-called Israel, yes, this did occur. We used to request a mediator between us." "Today I declare we accept to live with you in a just and durable peace. Israel has become a reality recognized by the world community and its security is the responsibility of the superpowers."

In the meantime, while Washington views any settlement of occupied territory as illegal under international law, Israel has argued that religious Israeli nationalists make no secret of their defiance. According to the acknowledged spokesmen for the 25 religious students and 30 other settlers, they are not digging up biblical artifacts on the windswept archaeological site of Shiloh, they are digging foundations for the newest settlement on the West Bank of Jordan.

The semantic argument goes on as if it were in a vaccum. The Palestinians are still looking for a homeland.

Certainly the Jews of earlier times, the Jews who came to Palestine from Russia, Poland, Rumania, Hungary and elsewhere in Central Europe, live in better physical and moral conditions than the 62 per cent of the population from the Arab lands.

The Balfour Declaration has in fact been the seedbed of the present conflict. The aftermath of this declaration favoured the flow of Jewish immigration to Israel or at least it appeared to be so. Hence the flow of Jewish immigrants was rapidly expanding after Palestine came under British Mandate. Shall we examine these figures.

November 2nd 1917: Arabs: 600,000 = 90% of population
Jews :   60,000 = 10% of population

Year	Jewish Immigrants	% of Population
1931	4,075	16%
1932	9,553	
1933	30,327	
1934	42,359	
1935	61,854	
1936	29,727	28%
1937	10,536	
1938	12,868	10
1939	16,405	118.8%

Due to the large influx of Arabs,the Jews protested vigorously during the 1920's and late 1930's when the civil war broke out in 1936. In 1939, Britain issued the White Paper, the aim of which was to befriend the Arabs through helping the immigration of the Jews to Palestine, bearing in mind that with the second world war at the doors life was in a constant state of flux in the Middle East. After the War the conflict erupted again and Britain brought the issue to the United Nations in April, 1947. On November 2nd, 1947 the General Assembly decided on the partitioning of Palestine. The decision appears to be invalid for two reasons. The first one being that the Charter of the United Nations affirmed clearly that the purpose of the International Organization such as the United Nations has no sovereignty and therefore should not have recommended the partition of Palestine. Hence the U.N. had given away something which it did not possess (as the Balfour Declaration did). The second reason is that the Resolution for partitioning is contrary to the principles of law in transgressing

the sovereignty of the people of Palestine. Moreover, it violates
Article 2(7) of the U.N. Charter which states that "Nothing contained
in the present charter shall authorize the United Nations to intervene
in matters which are essentially written in the domestic jurisdiction of
any state..."[11] The Arabs did not accept this resolution and Palestine
witnessed open riots. The British withdrew from Palestine on May
14, 1948 when the proclamation of the State of Israel was announced.
This resulted in a war between the Arabs who assisted the Palestinians
and the Israelis. The war resulted in the illegal occupation of land
and political power and most important the dismemberment of Palestine.

CHAPTER II

POST 1948 PALESTINIANS

The Aftermath of 1948

The Palestinian Arabs' population in 1948 numbered 1,398,000
and according to the latest estimates this number is now approximately
3,695,000. Presently, 70% of the Palestinians posses the nationality of
some other nationals of Jordan and half of this percentage is under the
control of Israel, 13% are under their occupation since 1948 and finally
6% possess Lebanese, Saudi, Iraqi, Kawaiti and other nationals. In
particular, the Palestinians are now concentrated in the following regions:

Region	Palestinians
Gaza	452,000
Westbank	693,000
Israel	573,000
Syria	200,000
Lebanon	300,100
Kuwait	175,000
Jordan	1,100,000
all others	301,000[12]

When Palestine was dismembered at the end of 1948, the Palestinians became a nation of tents within the Arab states placing their facilities at the disposal of the Palestinians.

The Role of The U.N.

The United Nations has dealt extensively with the Palestinian Question. The main aim of its efforts were directed at getting the Palestinians around the bargaining table. The resolutions of the General Assembly concerning the Palestinian question evolved around three points.

The first point was the right of the Palestinians to return to Palestine. This has been reaffirmed in the resolution taken by the General Assembly from the Resolution No. (111) 194 - December 11, 1948 to Resolution No. 3089 (XXVIII) - December 7, 1973. These resolutions were the strongest and most explicit; for example in paragraph 3 which declares full respect for and realization of, the inalienable rights of the people of Palestine along with the right to self-determination to be indispensable for the establishment of a just and lasting peace in the Middle East. The right of enjoyment by the Palestinian-Arab refugees to return to their home and property..... is indispensable for the achievement of a just settlement of the refugee problem and for the exercise by the people of Palestine of its rights to self-determination.[13]

The second point was the right of the armed struggle (paragraph 2 of the Resolution: November 30, 1973). Resolution 3070 explained what the inalienable right to self-determination means and also reaffirms the legitimacy of the people's struggle for liberation from all colonial and foreign domination and avail subjugation by all available means including armed struggle.[14] Later on the U.N. recognized the P.L.O. as the legitimate representative of the people of Palestine. Today March 14, 1980, the Austrian Government recognized the P.L.O. as a legitimate body of the people of Palestine. This was announced by the C.B.C. short wave services.

The third point was condemning Israel's practice in the occupied Arab lands. This had dealt with two main issues; the General Assembly condemned Israel for violating the Fourth Geneva Convention of 1949 (Resolution 3092-B/7, December 1973) which condemned the policies of the Israeli authorities in the occupied territories (Resolution 3092-B, December 7, 1973). The United Nations finally went as far as to condemn the racist nature of the Zionist entity (U.N. Resolution 3379 XXX November 10, 1975).[15] This coincided with a top secret memorandum written by Israel Koenig, The Northern Commissioner of the Ministry of the Interior. The Memo was published in Al Harmishman on September 7, 1976 with the following comment: the memo included a dangerous evaluation and statements that if accepted as authorized, the position would cause conflict between the Jewish majority and the Arab minority.[16]

CHAPTER III

P.L.O. RETAINS THE RECORD

OF THE CAUSE

Under the Auspices of
The Arab Regimes

Palestinians in the 1950's and the early 1960's looked for their return through the eyes of the Arab regimes. What enhanced the idea was the pressure of the nationalistic regime in Egypt under the leadership of the late President Nasser and the Arab nationalist regime in Syria with the Baath Party in power.

Despite the fact that the P.L.O. was established in 1964 in Cairo the Palestinians attached their aspirations with the authorities of the Arab regime. After the 1967 war many masks fell and many disguised faces were revealed. The Palestinians came to realize that it was their bound duty to struggle to return. Thus the Palestinians joined forces within the framework of the P.L.O. and considered that the most important

contradiction was with Israel which is presently occupying the entire area of Palestine as well as parts of Egypt and Syria.

P.L.O. vs. Arab Regimes

This new oriented P.L.O. has greatly influenced the Arab conservative regimes. Being concentrated in Jordan the P.L.O. activities aroused the Jordanian authorities and finally the P.L.O. forces and the Jordanian army were engaged in military confrontations which brought an end to the P.L.O. activities in Jordan. This culminated in a new relationship between the state and the Revolution.

Evidently, the same incidents occurred in Lebanon but with a new dimension. The civil war which erupted in the Lebanese court meant that the Palestinians would lose even their tents. This became obvious from the declaration made by Mr. Camill Chamoun that "to get rid of the Palestinians I would make a pact with the devil." He also said "But drive the Palestinians where? How about into the sea?"[17]

The P.L.O. and the Lebanese Regime

Many political scholars have concluded that the relationship between the P.L.O. and the Lebanese regime began to decline as a result of the painful defeat of the Arabs in the June, 1967 war which gave rise to the Palestinian armed struggle. Lebanese tempers began to rise at the funeral of Khalil Al Jamal (the first Lebanese commando martyred in an operation) which came to be a demonstration of support by large sectors of the Lebanese population. The P.L.O. had emerged as a new force to reckon with. This further prompted the Israelis and many Lebanese who had been motivated. They mobilized against the P.L.O. and became known as political sectarian activists.

In retaliation to the commando operations which emerged from the
Lebanese territory, Israel attacked Beirut's International Airport and
destroyed the Lebanese commercial airplanes on December 28, 1968.[18] This
made the Lebanese who were opposing the P.L.O. question even the motives
and functions of the P.L.O. in Lebanon. On the other hand it agitated the
supporters to call upon the government to provide more aid and protection.
As a result, there was a chasm at the popular level reflecting itself
of course upon the former government which was unable to answer the
question of why the Lebanese army did not interfere when the Israelis attack-
ed the Beirut airport.   The answer to this question was made clear when
in 1969, there were scattered military incidents between the Palestinian
commandos and the Lebanese army whose command was against the Palestinians.

At this juncture, there was a minority of Lebanese affiliated
with the rightist party who tried to escalate these clashes. (The
Al-Kahhala incident occurred when members of the Phalange Military Party,
armed with machine guns , ambushed a Palestinian commando's funeral
convoy and killed thirty commandos in March, 1970.)[19]

Hence the Lebanese leftists gave their full support toward the
Palestinian armed struggle.

The former Lebanese government, being caught in the firing line
of the two extremes was split over the issue. Nevertheless it remained
with its hands tied and could not make any decisions or take steps to
resolve the conflict at the time. This has given another dimension to
the original state revolution and its relations. Thus the problem in
the Palestinian-Lebanese relations was crystallized and circumvented by
mutual distrust. This explains the reason for the Cairo agreement in
1969 to organize the commando action and why the relationship between
the Lebanese government and the P.L.O. had failed. The question to be
asked is, why did the Lebanese army engage in a two week military confrontation
with the P.L.O. in May of 1973 and most important why did the 1975-77
civil war occur? That disastrous war generated more paradoxes in the
Labanese-Palestinian relations.

Then, relations suffered between the government and the Lebanese army and disintegrated with the P.L.O losing some major strongholds (i.e. The Tal Al-Zatar camp incident).

Configuration of Forces

The two year civil war revealed many facts and it took the shape of a struggle between the Lebanese leftists and rightists. The Lebanese armed forces and the Security forces were neutralized because the Lebanese government could not agree on a specific united role for these armed forces. These forces, being outputs of the Lebanese socio-political structure, their susceptibility to the implications of this war was inevitable. Thus when the civil war escalated, the Lebanese army and security forces began to disintegrate into rightist and leftist groups. The circle of the war was extended soon to involve the P.L.O. because in spite of the disguised face the war had at its start, it has to be acknowledged that it meant that the P.L.O. existed. This was clearly understood in the light of the position taken by the Phalange party.[20] Pierre Jamayyil, the head of this party, submitted a memorandum in 1974 to the former Lebanese President Sulaiman Faranjiyya asking him to stop the commando activities in Lebanon.

During the course of the war two armed camps appeared: on the one hand were the rightist parties, which included the Phalange and the National Liberal factions of the disintegrated Lebanese army and a few other Maronite fanatic groups.[21] On the other hand was the other camp which included the parties of the Lebanese national movement chaired by Kamal Jamblatt. The Lebanese Arab army (a split of the Lebanese army headed by the Lt. Ahmed Al Khatib) and the focus of the P.L.O. who supported these forces logistically.

The two forces of the parties were engaged in a very brutal military confrontation. The war ended in a defacto partitionary of the Israeli backed rightist stronghold in eastern Beirut, the entry of Arab

peacekeeping forces and the declaration of Major Saad Haddad's (a
defected Lebanese army officer) Israeli protectorate in the Lebanese-
Israeli borders. The political situation as a result was not very
encouraging and political battles had replaced the military battles.

The Basis of the Conflict and Its Consequences

The problematic situation of the Lebanese-Palestinian relations
stems in part from two basic sources: the objective social context of
the Lebanese national identity question in connection with the Palestinian
cause.

The Lebanese society experienced divisions along sectarian
lines since the times of the Ottoman Rule during the 1860's. These
divisions mentioned show that by the year 1934 the National Pact had
accentuated the sectarian nature of the Lebanese society. In the course
of time, similar divisions on the issue of Lebanese identity typifies
these stands, Christian Maronite politicians for instance affirmed
the Lebanese identity because they considered that Lebanon was a
Christian let down in the Islamic sea. [22]

This has met with an Islamic accent on the Arab identity
of Lebanon. It was because of the Arab features of the Palestinian
cause and because of the Islamic context which the Arabians had that
the Maronites generally and to be fair I would rather say the rightists,
detached themselves from the Palestinian question.

In relation to the parties mentioned, there came in the late
sixties a new party i.e. the Lebanese leftist Christians and Muslims
who affirmed the Arabic identity of Lebanon. It was within this
socio-political situation that the Lebanese-Palestinian relations played
its course. In the late sixties when the Palestinian Question erupted,
the Lebanese socio-political structure left its fingerprints. Indeed,

the Palestinian Question gained a very rich Arabic dimension. Thus it
aroused the suspicions and fears of the Maronite militants and leaders
who sought bitter Lebanese involvement in matters of Arabic concern.
On the other side of the coin the Lebanese leftists were in favour
of full Lebanese-participation in the Palestinian cause which the Muslim
leadership had some reservations on but could take no effective measures
because the power base of this leadership was supporting the P.L.O.
This trilateral base did not meet with the required attention of the
P.L.O. which deepened the contradictions between the Lebanese government
and the Palestinians' fanatic groups. Thus when radical activities escalat-
ed the Lebanese took the brunt of the inevitable Israeli air raids and
attacks and the stability of the Lebanese socio-political structure
was in question. This of course occupied the attention of the conservative
Arab regimes. Even those who were beginning to lean towards conservatism
began to show fear of the Palestinian commando movement distinguishing
themselves from the Arab radical regimes, who supported the P.L.O. on
different levels and degrees.. This adds another dimension to the
problem. The international forces as well, being in favour of the
peace settlement of the Middle East problem on the basis of the United
Nations Resolution 242 hated to see the P.L.O. putting what they considered
the peace settlement in jeopardy. Here the international dimension was
introduced.

Three main consequences evolved from the latest Lebanese-
Palestinian confrontation: an Israeli invasion of the entry of U.S.
forces to southern Lebanon; an Arab force for peace-keeping; Israeli
support to anti-P.L.O. activists in East Beirut and Major Haddad's protect-
orate in the South.

Thus the Lebanese government due to Lebanese-Palestinian
confrontation lost complete control in the southern parts of the country
particularly those located to the east of the Litani River and the P.L.O.'s
last major basis in that area as well.

In the eastern parts of Beirut voices expressing the desire for partitioning are still heard. The Arab peace-keeping forces are no more gaining the consent of parties in eastern Beirut. The Lebanese government considers this situation as extremely dangerous. The possible consequences is that the defacto partitionary in Lebanon becomes a likely recognition. This is a precedent for similar movements to take place in Syria and other countries of the first line. This means that the civil war in Lebanon would be exported to other neighbouring countries, the folding of the Palestinian newspaper and the loss of the Lebanese unity of territory and its people.

For as long as there is the State of Israel, the Palestinian Question will remain until such time as the Palestinians are given the place they call home and where they will no longer be regarded as displaced persons. Hopefully the United Nations will be instrumental in helping the Palestinians to solve this long and overdue problem which can best be described as an incurable disease.

CHAPTER IV
THE WEAKNESS OF HUMAN RIGHTS AND INTERNATIONAL LAW
IN CONTEMPORARY SOCIETY

As a quasi-authoritative system of communicating, the assumption of the state system of policy-makers, contemporary international law no longer presents a clear picture of the nature of international politics International law today according to Linda Miller, in "They Dynamics of World Politics," is in a state of arrested ambiguity - in a condition of unstable equilibrium between the old and the new. As a result, it no longer contributes as it once did to a consensus on the nature of the state system.[23]

The current legal concept of the state is a perfect example of the "ambiguity" of contemporary international law and of the threat that this condition represents to the assumptions of the state system.

On the one hand, most of the traditional forms used to express the idea of statehood are still employed. Treaty-makers and statesmen still write about respect for territorial integrity, the right of domestic jurisdiction and the sovereign will of the high contracting parties. ..... On the other hand, certain contemporary developments contrast sharply with the traditional territory-oriented conception of international law. With the growth of international entities possessing supranational powers (e.g. ECSC) the legal idea of self-contained units based on territorial control lacks the clear basis in fact that it once enjoyed.[24]

Other developments in contemporary international law represent theoretically at least, a challenge to the assumption that the state and its freedom of action are an absolute necessity for the state system. Most noticeable has been the attempt to develop an international organization which would preserve a minimal degree of order.

As the League of Nations, the United Nations was to replace the state as the paramount institutional value by establishing a constitutional concert of powers. However, it has succeeded only in underscoring the existing tension between the drive to maintain the state and the goal of maintaining the system. In the Charter itself, the tension between the state and the system remains unresolved. Nor does the actual operation of the United Nations provide an optimistic basis for the hope that tension will be lessened in the future and that issues such as the Palestinian Question will be solved.

When the Charter of the United Nations was drafted, Statesmen were bedeviled by the gap between chaotic circumstances and conceptual thinking. No critical voice was raised against lumping together the equal rights of men and women and of nations large and small. In the light of this idea according to Dag Hammarskjold, the Charter established not only a system of equal votes to express the sovereign equality of membership, it also committed the organization to the furtherance of self-determination.

In an evangelical letter (12 April 1963) Pope John XXIII provided an authoritative version of the rationale. "All men are equal in their natural dignity," wrote the Pope. "Consequently there are no political communities which are superior by nature and none which are inferior since they are bodies whose membership is made up of those same human beings." Because all states are by nature equal in dignity, -continued His Holiness, "each has the right to exist and to be primarily responsible for its own future. Here then is the underlying philosophical premise of the concept of sovereign equality.

For the identical reason, this logic is applied to peoples as well. To develop friendly relations among nations based on the equal rights of peoples is an express purpose of the charter. General Assembly Resolution 1514 (XV) confirms the equal right of all peoples to self-determination. Subjecting them to alien rule constitutes, in the words of the resolution, a denial of 'fundamental human rights.' By 1971 Resolution 2787 (XXVI) affirmed the creation of a new basic human right: to fight for the self-determination of one's people.

How then can anyone in his or her right mind say that the Palestinians do not have   a   tight case in claiming their natural rights?

All the above raises the immense question: Who are a people? Who, indeed are entitled to self-determination? On 18 December, 1918, after the American Commission to Negotiate Peace landed in France, Secretary of State Lansing, one of the commissioners, searched in vain for an answer. Puzzled over the meaning of self-determination, he wondered what unit the president had in mind when he used the term. Was the right to be enjoyed by every race,every territorial area, every community? Perplexed as to how a nation comes into being, unable to find any standard for determining the groups entitled to independence, Lansing saw at once that the principle was loaded with dynamite. He ventured a prediction - the Wilsonian principle was a calamitous utterance,bound

to raise unrealisable hopes and sure to cause misery and death to thousands of people. One need only recall the Congo, Biafra, Bangladesh and Vietnam (where the goal of the United States was to safeguard the right of the peoples of Southeast Asia to select their form of government according to principles of self-determination) to realise the accuracy of Lansing's prediction.

Today, the principle of self-determination. not one bit closer to definition than in Lansing's time, has resulted in a striking phenomenon - the indiscriminate creation of a multiplicity of sovereign states. Indiscriminate for example, in the case of Israel, where the national boundaries are a caprice.

In citing the example of Israel above, it should be pointed out that even now the Carter administration in Washington has yet to grasp that in the Middle East region, conflict and tension are endemic, a condition traceable largely to the fragmented sectarian nature of Middle Eastern society. For ecample, territorial disputes among Arab states are persistent; ethnic and religious rivalries abound; conservative and radical attitudes regarding social change are continuously in conflict. The recent tragedy of the Lebanese civil war and the border between the two Yemens in early 1979 are two cases in point.

On Friday, August 10th, 1979, Israeli radio said that U.S. President Jimmy Carter has not assured Israel about the future of U.N. Resolutions which form the basis of Middle East negotiations. Earlier, there had been reports that the U.S. would use its veto power at the U.N. to defend two key resolutions which affirm Israels right to exist. Also, U.S. Secretary of State, Cyrus Vance, urged Palestinian Arabs to join the Middle East negotiations, saying a solution to the Palestinian Question is vital to a just and lasting peace in the region.

The existence of Israel has served as a convenience for the Soviet Union as well, but Russian aims for control over the entire region existed long before Israel's birth in 1948. Without this bastion of

liberal democracy in the heart of the area, the Kremlin would be confined to supporting militant regimes against pro-American conservative governments which would not be able to direct the attention and energies of the radicals away from thousands by using the "lightening rod" of the Zionist state. Moreover the U.S. position would be weaker without the political and military assets Israel provides. Yet American policy-makers downgrade Israel's geo-political importance as a stabilizing force, as a deterrent to radical hegemony and as a military offset to the Soviet Union.

The fall of Iran has increased Israel's value as perhaps the only remaining strategic asset on which the United States can truly rely; other pro-western states in the region, especially Saudi Arabia and the smaller Gulf Kingdoms are weak and vulnerable.

CHAPTER V
PALESTINIANS: FOUR MILLION PEOPLE
WITHOUT A NATION

They lack the dramatic appeal of the boat people. They are not dying of malnutrition, drowning at sea.or being raped by pirates. But the Palestinians exiles of the Middle East must surely constitute the world's longest-standing and most politically loaded refugee problem.

More than 31 years after their displacement by the creation of Isreal in 1948, the Palestinians still refuse to assimilate in the wider Arab world,to give up their identity and dreams of nationhood.

Core of the Problem

All Arabs regard this as the core of the Middle East problem. All other Arab- Israeli questions are secondary. Their belief is being increasingly shared by outside governments, for whom stability in the Middle East has become a vital concern.

All refugee problems have their facts and figures but they give little idea to the depth of tragedy and dislocation. For the Palestinians, the basic fact is that they are a whole nation of refugees divorced from their identity.

The spectacular rise of the guerrilla groups and the forceful personality of Yasser Arafat may have made the Palestinians a household word around the globe but there is no such thing as a Palestinian passport or identity card.

When Golda Meir said, eleven years ago, "There is no such thing as Palestinians", she was legalistically exact. The same however might have been said of Israel. If the past 31 years have proved anything, it must be that the Palestinians are not just Arabs. Neither are they other Arabs; these have their identity as Syrians, Jordanians, Saudis and so on, and this remains true of the Palestinians, even those who have taken other Arab citizenship

There are no reliable census figures for the Palestinians but most estimates put this number in mid 1979 at over four million. Of these, over half-a-million are "Israeli Arabs," who stayed put in 1948 and their descendants. The remainder live either under Israeli occupation on the West Bank and Gaza Strip (at least 665,000 as refugees from Israel itself) or in exile in the nearby Arab countries and beyond.

The outside world has, from the outset officially recognized its responsibility for the situation but has done little to solve it at the roots. The U.N. General Assembly has for 31 years reiterated resolutions insisting on the Palestinians' right to choose between return and compensation and it set up the Relief and Works Agency (UNRWA) as a temporary body 30 years ago, to provide basic educational, health and relief services in the interim.

Obstacles

Yet, Israel declared from the beginning that there were insuperable economic obstacles to the refugees' return and even the latest peace moves look like they are doing nothing to budge this basic Israeli resolve.

So, the U.N.R.W.A. is left trying to cope with more than 1.75 million registered refugees, of whom some 615,000 still live in camps - as often as not alongside their neighbours from the same villages and towns of Palestine. Despite the dislocation, Palestinian society has remained surprisingly cohesive. U.N.R.W.A.'s biggest headache, says Director of Administration John Defrates, is a chronic budget deficit, currently $24 million out of a total budget of $150 million. This has already meant cuts in the basic rations dispensed by the agency and it fears that further cuts may have to be made in the excellent educational programs which have made the Palestinians the best educated society in the Arab world and ironically that much better able to champion their cause.

In Lebanon, the agency finds itself faced with the problem of refugees again uprooted by violence. "About one in three of our 200,000 registered refugees in Lebanon have been displaced by the trouble in the South," says Defrates, U.N.R.W.A. recorded over 30 Israeli shelling or bombing attacks on the camps in 1979 alone, destroying or damaging over 2,500 dwellings and sending the inhabitants northwards.

To 70,000 Palestinians thus uprooted, some of them perhaps for the fifth time in their lives can be added tens of thousands of Lebanese civilians also flooding into Sidon and other towns to escape Israeli bombardment of their towns and villages.

Dwart Farquarson, of Southam News Services, on March 20th, 1978, reported how the Lebanese ran from their homes onto the road, leaping into cars, buses, brucks, tractor pulled wagons and anything else that moved north. They had become refugees. To the roar of naval bombardment and dive-bombing jets, the Israeli terrorist mopping up operation drove the last of the 40,000 Lebanese residents fleeing to join more than 150,000 homeless refugees. From about three miles offshore, the big guns of two Israeli destroyers flashed yellow. The sound banged the ears, followed by a whistle and a crash as the shells hit their targets. The israelis landed below and above Palestinian encampments. The Palestinians had no defence against the naval bombardment.

Meanwhile, as the U.N. debate continued Israel's Defence Minister Ezer Weizmann claimed that the Israel's purpose was not to stay in South Lebanon. Weizmann told reporters that Israel wanted the P.L.O. to know that they (P.L.O.) would not operate from Southern Lebanon or even further north. The best thing is for the P.L.O. to get out of Lebanon totally, and return back to Syria, back to Jordan, back to Egypt. Israel pleaded with the United Nations not to stand in the way of its drive to mop up the 5,000 Palestinian terrorists based in Southern Lebanon.

Israeli troops unleashed a last fierce artillery barrage on a Palestinian guerrilla stronghold near the Litani River and then declared a ceasefire in Israel's offensive that took control of nearly all of Souther Lebanon in a week of fighting.

The P.L.O. said Israel's decision to stop the fighting is not enough and that Arab guerrillas would not observe a ceasefire unless the Israelis pull out of Lebanon. Such then are the attitudes of the parties involved in the Middle East dispute. Meanwhile, a new U.N. peace-keeping force has moved into the Litani River area.

PROPOSAL

I concur with the proposal of former U.N. Secretary General U. Thant. U.Thant, Secretary General of the U.N. from 1961 to 1971 believed big power troops should be used to guard a Palestinian state established next to Israel. Thant's reflections, some of them set down shortly before he died in 1974 are contained in "View from the U.N." In the book Thant embraced the Arab view, endorsed by most U.N.members , that there should be a separate state for the 1.1 million Palestinian Arabs living in the Israeli occupied Gaza Strip and West Bank of the Jordan River. They are among the world's 3.5 to 4 million Palestinians many of whom became refugees when Israel was created in 1948.

Thant wrote that since Arab countries recognized the Palestine Liberation Organization as sole representative of the Palestinians, it seemed logical that P.L.O. chief Yasser Arafat should participate in any discussion regarding the formation of a Palestine Arab state.

Generally speaking, it can be done with a big power guarantee of the frontiers and the actual presence of big power armed forces on the border. Once this problem is settled, Israel should have an unfettered right to navigation in the Gulf of Aqaba and the Suez Canal.

Part of the U.Thant's wish has been fulfilled since Israel and Egypt have formulated a peace initiative in the Middle East. In special ceremonies performed recently, representatives of the governments of both Egypt and Israel watched as the Israeli ships navigated through the Suez Canal.

CONCLUSION

If this is the journey of the first 1,398,000 Palestinian-Arabs which began in 1948, certainly some remarks should be registered especially

since this number is now an estimated 3.695,000. Nevertheless, they
are only numbers with no real identity socially or politically. They
are a number of displaced persons in their own homeland. This is
rather difficult to grasp but it is an established fact.

The United Nations' ability or inability to deal with the
collective interests i.e. the interest of all nation states together
with the Palestinians as only one small nation, shows the ineffectiveness
of the U.N., which amounts to being weak. Palestine is not Korea and
it will never be. As a matter of fact, it would appear that at first
the resolutions on the Palestinians were weak and got little or no
attention, but later the resolutions that were stronger were finally
adopted by the U.N. beginning in 1969. The starting point was resolution
no. 2535 (XXIV) on December 10, 1969. This in fact was due to the
new development resulting from the escalation of the P.L.O. activities
and the 1973 Arab-Israeli war.

As far as the question of human rights is concerned, it has
become shop talk. The U.N. has done nothing for such a worthy cause
as the Palestinians' plight which erupted in 1947. It resulted in an inter-
national issue out of proportion. Furthermore this reflects yet another
aspect regarding the human rights issue and the U.N. Clearly, it is
considered to be in the national interest as well as the political, economic,
social, cultural and military interest of all peaceloving states to
see this matter settled. This issue is a real challenge to the U.N.
charter especially Article 1-55 and the question is whether the Palestinian
human rights question within the present political context of the world
will ever be resolved.

FOOTNOTES

2. Genesis 15:18

3. Exodus 23:27

4. Henry Cattan, <u>Palestine and International Law</u> (London & New York:
    Longman Group Ltd., 1976), p.48.

5. Genesis 12:6

6. Genesis 12:6

7. M. Cherif Bassiouni, <u>The Palestinian's Right of Self-Determination
    and National Independence</u> (Detroit Michigan: 1978), pp.7-8.

8. Henry Cattan, <u>Palestine and International Law</u> (London & New York:
    Longman Group Ltd., 1976), p.65.

9. B. Keith, "Mandates", <u>Journal of Comparative Legislation and Inter-
    national Law</u>, IV (1922), 78.

10. Sources: Notes given by Professor Habib in class, 1979.

11. A. Leroy Bennett, <u>International Organizations</u>, <u>Principles and Issues</u>
    (New Jersey:Prentice-Hall, 1977), p.401.

12. Sources: Notes given by Professor Habib in class, 1979.

13. "The United Nations and the Palestine Question," P.L.O. <u>Department
    of Information and National Guidance</u>, (1974), 5-14.

14. Ibid., p.15.

15. Ibid., p.19

16. "The Koenig Memo," <u>Canada Palestine Committee</u>, (December, 1973),7.

17. Robert Pfeffer, <u>Der Stern</u>, August 12, 1976,West Germany, pp.66-67.

18. Kamal S. Salibi, <u>Crossroads to Civil War Lebanon 1958-1976</u> (New York
    Caravan Books, 1976), p.38.

19. Ibid., p.45.

20. Kamal S. Salibi, <u>Crossroads to Civil War Lebanon 1958-1976</u> (New York: Caravan Books, 1976), p.65.

21. Enver M. Koury <u>The Crisis in the Lebanese System</u> (Washington D.C.: American Enterprise Institute for Public Policy Research, 1976), pp.78-80.

22. <u>The Fight Against Fascism</u>, Washington, D.C., (1977), 66-67.

23. Linda B. Miller, <u>Dynamics of World Politics</u> (New Jersey: Prentice-Hall Inc., 1968), p.121.

24. Ibid., p.129.

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SPECIAL STATUS: AN OPTION

FOR QUEBEC AND CANADA

LINDA DOYLE

INTRODUCTION

Events leading up the Victoria Charter of 1971 indicate that
there is a strong desire by the federal government and the provincial
governments to "patriate" the Canadian constitution. The political leaders
and influential political thinkers in the Province of Quebec have indicated
their desire for more autonomy for the province and, therefore, Quebec
must be given special consideration when and if Canada restructures its
present constitution, the British North America (BNA) Act of 1867 and
its subsequent amendments.

From 1867 to the onset of the "Quiet Revolution" in Quebec in
the 1960s, the French-speaking people of Quebec have witnessed the erosion
of the rights, language and culture of the French Canadians in the other
Canadian provinces. Therefore, the Province of Quebec, designating itself
as the homeland of all French-speaking people in North America, is dedicated
to the preservation of the French language, rights and culture in Quebec.
In order to fulfill this role, Quebec requires more autonomy in all
spheres which affect its social, cultural and linguistic rights.

Quebec, being a "province unlike the others", has more fully
assumed the powers granted to the provincial governments than the other
provinces, therefore, creating institutions for the development of
its social and cultural well-being which were not required by the

other provinces. The spokesmen in the Province of Quebec feel that the central government and its institutions hinder Quebec's attempts to self-determination in its social and cultural spheres, and this has led to persistent demands on behalf of Quebec at federal-provincial conferences, especially since the early 1960s.[1]

Quebec's pleas have fallen on Canada's deaf ears, resulting in weak attempts at restructuring the Canadian constitution with negligible concessions to Quebec's demands. Two recent attempts at "patriation" of the constitution, the Fulton-Favreau Formula of 1964 and the Victoria Charter of 1971, were both rejected by the then government leaders of Quebec.

Quebec's political future depends on the results of the Parti Quebecois' referendum on sovereignty-association scheduled to be held next spring, whether that government will be re-elected or defeated in the next provincial election, and in the case of the latter, whether Claude Ryan will still be the leader of the presumably elected Liberal Party, and the stand that the Prime Minister and the other provincial leaders will take in future negotiations at constitutional conferences.

CHAPTER I

THE TREMBLAY REPORT SETS THE STAGE

The Tremblay Report of 1956 was extremely influential on Quebec political thought from the Quiet Revolution to date. Acknowledging the premise of the Tremblay Report, that Canada consists of a French-Canadian nation and an English-Canadian nation, being the two founding peoples of this country and the two partners who entered confederation in 1867, the political thinkers in Quebec produced yet another wave of nationalist literature.

The French-Canadian nationalist thinkers have proposed several alternatives for the Province of Quebec, the homeland of the French Canadian. The nationalist thinkers who oppose total independence for Quebec agree with the general consensus that the BNA Act must be revised to form a truly Canadian constitution, and some stress that Quebec's status in the "patriated" constitution should be one which reflects Quebec as an equal partner with the English-speaking majority of the rest of Canada; equality of the two races and, therefore, the governments which represent them.

The Tremblay Report stated that, based on the view of Canada as a dual-nation state, each nation would be equally responsible for its own development of all social and cultural aspects to ensure each nation against erosion of its language, culture and rights. In order to provide for their independent development, each nation would have the right to direct taxation, which had been under provincial jurisdiction in the BNA Act and had subsequently been "usurped" by the central government, as well as access to the funds of a Central Bank to finance their own economic development. The Tremblay Report also proposed that the central government have limited power which would be controlled by a Constitutional Court composed of federal and provincial nominees.

CHAPTER II

SOME CONCRETE IDEAS FOR SPECIAL STATUS

JACQUES-YVAN MORIN

One of the leading spokesmen for a special status for the Province of Quebec within a renewed Confederation was Jacques-Yvan Morin. As a supporter of the federal system, Prof. Morin, in the mid-1960s, postulated the "two-nation theory" presupposed by the Tremblay Report, and pointed out that the federally-commissioned Rowell-Sirois Report of 1940 reflected English Canada's desire for a centralized federal system and, therefore, was diametrically opposed to the decentralization proposals stressed by the Tremblay Report.

Emphasizing that Quebec sought more autonomy and decentralization, Prof. Morin propounded a special status for Quebec in the form of "Associated States", therefore a confederal rather than a federal system for Canada. The two autonomous Canadian nations, Quebec and English Canada, would form a constitutional pact with confederal institutions.[2] His concrete proposals, which have been adopted or amended by several political thinkers in Quebec, entail the following.

In order for Quebec to be economically self reliant it requires "all powers necessary for regional planning and the development of natural resources and for social security."[3] Direct taxation should be restored to the provinces, allowing Quebec to collect its own taxes and revenues from natural resources[4] (as had been proposed by Premier Jean Lesage at the November 1963 and April 1964 federal-provincial conferences),[5] leaving the central government "access to taxes bearing on the circulation of goods."[6]

Quebec would assume an international role patterned after the German Lander, allowing it to "conclude treaties in domains flowing from provincial competences",[7] and to nominate half of the Canadian representatives to international organizations.[8] With respect to regulation of commerce, the "federal jurisdiction would be restricted to interprovincial commerce" insofar as Quebec would be concerned.[9]

All the [federal] institutions should reflect the binational character of the country".[10] necessitating drastic revision of the Senate and Supreme Court. The Senate, preferably to be composed of an equal number of French-and English-speaking representatives, to be appointed regardless of provincial boundaries, would have jurisdiction in the areas of minority rights, "approval and implementation of treaties concluded by the federal government, ...approval of the nomination of diplomatic representatives or of federal judges, ... broadcasting, and ... constitutional ammendments."[11] The Supreme Court, to be composed of an equal number

of judges to be appointed on the same English-French equality basis as
that of the Senate, would become a "special constitutional tribunal."[12]
Further, in view of Quebec's different legal system, the Supreme Court
could be composed of an equal number of Common Law and Civil Law jurists,
the latter "having jurisdiction over the appeals coming from Quebec,...[or]
making the Quebec Court of Appeals the final arbiter in matter of civil
law."[13]

There should be protection of Human Rights to ensure that
the minorities are quaranteed language and religious rights in education
where the minority population would justify this, and that "no new
constitution could nor should be adopted without a large place being
made for the protection of collective and individual rights."[14]

Professor Morin believed, in the mid-1960s, that when Quebec
was assured a special status, there would be nothing to impede the "patriation"
of the Canadian constitution.[15] He predicted, however, that "if it does
not obtain the increased self-government which it demands and to which
it has a right, French Canada will undoubtedly be inclined to seek a more
radical outcome of the present crisis.[16]

DANIEL JOHNSON

Another important supporter of a special status for the
Province of Quebec was Daniel Johnson who, as leader of the Union Nationale
opposition party in 1965, proposed that Quebec should have "egalite ou
independance". Postulating the Tremblay Report's "two-nation theory",
Johnson stressed that "ce qui est possible et desirable, dans un pays
binational, ce n'est pas l'unite national,... mais l'union nationale,
l'harmonie nationale, fondee sur le respect des particularismes legitimes,"[17]
and that he would be ready to save Quebec's autonomy at the risk of
losing confederation.[18]

As Premier of Quebec, at the first constitutional conference held in November 1967, Daniel Johnson's nationalist voice decried the injustices the French Canadians and Quebec had suffered since 1867. He stated that the French Canadians had seen the erosion of their rights, granted in the BNA Act, in the other provinces,[19] that the federal government had a tendency to assume "responsibilities assigned to the provinces in the 1867 constitution".[20] and that the federal government's intervention in economic, social and administrative fields "no longer permits the French-Canadian nation to develop as effectively as it desires."[21]

Thus, the Quebec government, under the leadership of Premier Johnson, proposed that the provinces "retain all powers not expressly granted to the central government, thus preventing the latter's encroachment on provincial jurisdictions, that the reserve and disallowance powers [be] eliminated from federal prerogatives, and the Parliament of Canada [be] divested of its declaratory power,...[and] in matters within their jurisdiction, the provinces must be given complete internal sovereignty."[22]

The following year, in its "brief on the Constitution", Premier Johnson's government stated that "Quebec should have, within the limits of Canadian foreign policy, a recognized capacity to negotiate and sign her own agreements with foreign governments on matters subject to her internal jurisdiction...and participate in the Canadian delegation at international conferences and at meetings of international organizations of which Canada is a member, and which touch on fields of provincial competence. Similarly, she should be empowered to attend international conferences of provincial interest in which Canada is not a participant."[23]

Premier Johnson alerted the members of the "Confederation of Tomorrow" Conference to the threat which the dichotomy of the two Canadian cultures posed to Canadian unity, and he warned that because the two

cultures "are increasingly out of touch with each other's reality; in the end, lack of co-operation between them can destroy Canada."[24] Premier Johnson's warning, like the warning of the B & B Report, went unheeded and the threat has become frighteningly acute with the upcoming referendum on sovereignty-association espoused by the separatist Parti Quebecois government of Quebec.

CLAUDE RYAN

One of the most dogmatic spokesmen for a special status for the Province of Quebec within a renewed federal system is Claude Ryan, the extremely influential Editor of <u>Le Devoir</u> from 1963 until his resignation in 1978 to successfully compete in the Provincial Liberal Party leadership campaign in Quebec. Claude Ryan's view is that being "the major home of French life in Canada, Quebec is not only different because of its language, but also because it has developed its own spirit, character and institutions within its provincial boundaries. Thus, in more ways than one, Quebec represents a truly distinct national community [emphasis mine] within the Canadian federation."[25]

In November 1965, having asserted his intellectual thought on Quebec politics in his editorials and speeches, Ryan published an editorial entitled "The Formula of Special Status" which "awakened the attention of English Canada", and in June 1967, he devoted a special supplement in Le Devoir, to which various political thinkers contributed on the possible aspects a special status for Quebec could take.[27] In the Le Devoir supplement, Claude Ryan proposed certain "Concrete Forms of Special Status" to be encompassed in a new constitution, replacing the "obsolete" [28] BNA Act of 1867 and its subsequent amendments.[29]

In November 1977, along with criticisms of the Victoria Charter's proposals that only three of the nine judges named to the Supreme Court would be from Quebec,[30] "the numerous, costly and frustrating subdivisions

the present distribution of powers has brought about " in so many shared jurisdictions,[31] and the "dangerously widening...field of federal intervention", [32] Claude Ryan, unlike Jacques-Yvan Morin and the late Daniel Johnson, did not necessarily see a renewed federal system based on the equal division of the two nations, but perhaps a union wherein Quebec would form "one of five equal parts" of Canada.[33]

Claude Ryan has continued to vigourously support a special status for Quebec in a renewed federal system. His political programme, issued in April 1978 for his campaign in the Provincial Liberal leadership election, reiterated his dedication to recognition of Quebec's rights:

> If Canada is to become a more attractive option to Quebeckers, the linguistic and cultural rights of its francophone population in federal services and institutions must be given real and explicit recognition. Furthermore, as the main political expression of the French fact in Canada and the major seat of French culture in the country, Quebec must have effective constitutional guarantees in terms of legislative powers and representation within certain federal institutions.[34]

CHAPTER III

ALERTING ENGLISH CANADA

The evolution of the nationalist thought, embellishing the proposals of the Tremblay Report, brought about a federal commission on the nature of bilingualism and biculturalism in Canada in 1963.

The Royal Commission on Bilingualism and Biculturalism (B & B Commission) discovered a Canadian "crisis" caused by the dichotomy between English- and French-speaking Canadians arising from the acceptance of the "two nation theory" by the French Canadians and its rejection by the English Canadians.[35]

The B & B Commission proposed four options for Canada's future, three of which might have encompassed a special status for Quebec: a new decentralized federalism; total independence or separation of Quebec; a federal system based on associated states. The fourth option, status quo, would have been totally unacceptable to Quebec because it blocked the possibility of negotiation for a special status or more autonomy for this province. Unfortunately, Andre Laurendeau, the French-Canadian principal of the B & B Commission, who might have stressed the "crisis" and the absolute need for serious negotiation between Quebec and the rest of Canada, died in 1968, and the "political" volume of the report was shelved.[36] The ounce of prevnetion which could have been administered at that time might have prevented the Quebec thorn from festering and putting Canadian federalism in critical condition.

In a weak attempt to cure the ills of the country, Prime Minister Pierre E. Trudeau presented the Official Languages Act in 1969, reflecting a strictly linguisitic interpretation of the B & B Report and ignoring the options it had proposed.

However, Quebec's demanding voice could not be aired at the Constitutional Conferences, with the hope that its pleas for a special status would be understood. The Victoria Charter of 1971, resulting from the negotiations which took place at the Constitutional Conferences since November 1967, was merely a method for restructuring the Senate and Supreme Court in a "patriated" constitution which, basically, encompassed the BNA Act and its subsequent amendments. The Victoria Charter, ignoring Quebec's persistent requests held no provision for a special status for that province, Therefore, it could not be ratified by Quebec.

The reasons for the failure of the more than three years of negotiation on constitutional reform rests primarily on the federal government's stubborn refusal to truly acknowledge Quebec's demands. Claude Morin, an important political thinker and a key figure in

Quebec's Quiet Revolution, postulates that Quebec's unceasing demands for "the division of powers never came under dicussion except in a tangential way"[37] and that the "other provinces were fairly ill informed as to Quebec's main reservations [about the proposed charter], since their chief contact had been Ottawa."[38] Claude Morin concludes that because the Victoria Charter "produced no solution for the problems of Quebec,...its ratification would shelve the process of review", and Quebec would continue to be subjected to the present division of powers.[39]

CHAPTER IV

A POSSIBLE SOLUTION

Since confederation, the Quebec Liberal Party has been an advocate for provincial autonomy and opposed to encroachments by the federal government in areas which were provincial jurisdiction.[40] Under Claude Ryan's leadership, we should see that the party will continue to stress its desire for a "patriated" Canadian constitution encompassing quarantees that Quebec may fulfill its unique role as the mere-patrie of French Canadians.[41]

Although the Quebec Liberal Party's position paper on constitutional reform is not expected until December 1979, its working paper, "Choose Quebec and Canada", prepared under the devout guidance of Claude Ryan, commits the party "to defend, as a primary obligation, a resolutely Quebec point of view in all constitutional negotiations and that ...any constitutional solution will have to ...guarantee that the effective control of the instruments and the tools that support our collective existence is not lost to Quebecers."[42] Further, should it participate in constitutional debates, the party pledges itself to "insist that Quebec possess all the legislative, fiscal and administrative powers necessary to ensure its progress along the lines of its own culture", and to encorporate certain guarantees to Quebec in a renewed Canadian federation.[43]

Therefore, in the event that the Quebec Liberal Party forms the government under the leadership of Claude Ryan, we should expect him to present a strong argument at constitutional debates,for true recognition of French language and cultural rights in federal services and institutions as well as assurances that Quebec will have "effective constitutional guarantees in terms of legislative powers and representation within certain federal institutions."[44]

As the B & B Report submitted, there were four options available with respect to the future of Quebec and Canada. It would appear from Quebec's persistent outcries for "national" recognition in its linguisitic, cultural and social spheres and demands for a new constitutions which will provide certain guarantees for Quebec's self-determination in those spheres, the first option, status quo, will not suffice. Another option, the total independence or secession of Quebec from Canada, may become a feasible option in the future should it become the democratic choice of the people of Quebec.[45]

The option of associated states seems to entail what is being proposed by the Parti Quebecois in its referendum on souverainete-association scheduled for next spring. Should it result in an overwhelming "oui" vote, giving the Parti Quebecois a mandate to negotiate sovereignty-association, and should the rest of Canada and Quebec come to an economic settlement, this option will become reality.[46]

However, in the event that the Parti Quebecois' referendum is democratically rejected, it would appear that the only avenue available to this province is the fourth option, a new and decentralized federalism in which Quebec will have to be conceded certain guarantees for the fulfilment of what it sees as its "national" role. Perhaps the Parti Quebecois can achieve this in future constitutional debates. Although its premise had been based on separatism, the loss of the

referendum may humble the party and, if it survives the next provincial
election, the Parti Quebecois government may seek a special status for
Quebec in a renewed federal system. Of course, the possibility that
the Parti Quebecois could surrender its pledge to independence, totally
or as veiled in sovereignty-association, is open to speculation.

   In light of the unwavering stand of the Quebec Liberal Party,
and in view of the possibility that the great crusader for special
status for Quebec, Claude Ryan, may become the next provincial leader,
it seems most likely that if and when Canada drafts its new constitution
it will include some form of special status for its enfant terrible,
Quebec.[47]

FOOTNOTES

1. "Les positions traditionelles du Quebec sur le partage des pouvoirs
   (1900-1976)", Resume, Ministere des affaires intergouvernementales,
   Gouvernement du Quebec, (Ottawa, 30 Octobre, 1978).

2. Edward McWhinney, Quebec and the Constitution 1960-1978,
   (Toronto, 1979), p.23.

3. Ibid

4. Jacques-Yvan Morin, "Vers un nouvel equilibre constitutionnel au
   Canada", in The Future of Canadian Federalism (references to this
   publication are from the translation provided by Prof. H.M. Angell),p.3.

5. Ibid., p.6.

6. Ibid., p.3.

7. McWhinney, op.cit., p.23.

8. J-Y, Morin, op.cit.,p.10

9. Ibid., p.9

10. Ibid., p.11

11. Ibid., p.16

12. Ibid., p.18

13. Ibid., p.19

15. Ibid.

16. Ibid., p.22. It would appear that Jacques-Yvan Morin still holds with this prediction in view of the fact that he is now Minister of Education and Vice-Premier in the Parti Quebecois government which is seeking "a more radical outcome of the present crisis."

17. Daniel Johnson, Egalite ou independance, (Montreal, 1965), pp.84-85.

18. Ibid., p.105

19. See Appendix I.

20. Government of Quebec, "What Does Quebec Want?", its Preliminary Statement, presented to the "Confederation of Tomorrow" Conference, Toronto, November 1967, in Canadian Federalism: Myth or Reality, First Edition, (Toronto, 1968), p.356.

21. Ibid.

22. Ibid., p.363, See Appendix II.

23. Ibid., p.379

24. Ibid., p.355

25. Claude Ryan, A Stable Society, (Montreal, 1978), p.371.

26. Jean-Charles Bonenfant, "The Birth and Development of the Idea of Special Status for Quebec" in Quebec in the Canada of Tomorrow, Translated from Le Devoir special supplement, June 30, 1967 (May 1968), p.D-5.

27. Unfortunately, the limitation of this paper does not allow me to expound on the various arguments presented in the Le Devoir special supplement of June 30, 1967 on the particular areas in which Quebec should be accorded a special status. However, Appendix III presents a general outline of these areas.

28. Several contributors to the Le Devoir special supplement of June 30, 1967, including l"Abbe Richard Ares, Jacques Brossard, Andrew Brewin and Claude Ryan, propound the view that the BNA Act of 1867 and its subsequent amendments, various Orders in Council, etc. render it obsolete.

29. Claude Ryan, "The Possible Contents of Special Status for Quebec", in Quebec in the Canada of Tomorrow, pp.E-7 - E-13. See Appendix III.

30. Ryan, A Stable Society, p.27.

31. Ibid., pp.28-29. See Appendix IV.

32. Ibid. p.29.

33. Ibid., p.25. However, Mr Ryan has not elaborated on this theory since his election as leader of the Quebec Liberal Party.

34. Ibid. p.375.

35. Preliminary Report of the Royal Commission on Bilingualism and Biculturalism states: "French-speaking Canadians for the most part accepted without discussion the broad basic idea of 'equal partnership' ...and the notions and expressions 'equal partnership', 'two founding groups', 'a compact' are traditional in French Canada.... This idea of the French Canadian nation, having a common language, territory, history and a common culture or way of life, was expressed in Quebec by many people who have no association with separatism." pp.45,47. "But most Canadians whose background was not French seemed to equal the word 'nation' with Canada, and they thought of the country as a single nation-state." p.48.

36. McWhinney, p.xiii.

37. Claude Morin, Quebec versus Ottawa: the struggle for self government 1960-72, (Toronto, 1976), p.60.

38. Ibid., p.66.

39. Ibid., p.68. Claude Morin offered the people of Quebec two options for the future of this province: choose Quebec or choose Canada. In the case of the former, it would mean a totally politically independent Quebec "with Ottawa's contribution seen as auxiliary"; in the case of the latter, which he saw as "extremely plausible", he sees it as not necessarily "the most meritorious rout for a people, but it is surely the easiest", and would even be advantageous to Quebecers "at least for as long as English Canada's patience and sympathy last." If Quebeckers made the choice for Canada they would be subjected to the federal government's centralizing thrust. pp.159-164. Claude Morin's influence, as Minister of Intergovernmental Affairs in the present Parti Quebecois government, and his choice of the option to "choose Quebec" is reflected in that party's White Paper on Sovereignty-Association, Quebec-Canada: A New Deal, the Quebec government's proposal for a new partnership between equals: sovereignty-association, as appeared in The Globe and Mail, Toronto, November 2, 1979, pp.9-14.

40. Herbert F. Quinn, The Union Nationale: A Study in Quebec Nationalism, (Toronto, 1967), pp.24-25.

41. <u>Le programme politique du Parti liberal du Quebec</u>, 1960. The Lesage government, in this programme, stated:"...conscients de nos responsabilites envers les trois ou quatre millions de Canadiens francais et d'Acadiens qui vivent au-dela de nos frontieres, en Ontario, dans les Maritimes, dans l"Ouest- dans la Nouvelle-Angleterre et la Louisiane, le Quebec se constituera la mere-patrie de tous."

42. <u>Choose Quebec and Canada,</u> a working document for the members of the Quebec Liberal Party, February, 1979, p.91.

43. Ibid. See Appendix V.

44. Ryan, <u>A Stable Society</u>, p.375.

45. Pepin Roberts Commission Report, <u>A Future Together,</u> cited in McWhinney, p.155.

46. The Parti Quebecois' proposal for sovereignty-association can be seen as a form of special status for Quebec, however, the limitation of this paper does not allow for exploration of this aspect.

47. One of the major opponents of the special status for Quebec has been former Prime Minister Pierre-Elliott Trudeau. In view of his defeat in May 1979 and his recent announcement of his resignation as Liberal leader, and, if we can put some credence in Joe Clark's statement of March 23, 1977 wherein he said he would be willing to concede more powers to the provinces in such areas as industrial development, culture, communications, immigration, urban affairs and mineral resources, there is a strong possibility that Claude Ryan, as leader of the governing Liberal Party, will attempt to achieve his long-sought special status for Quebec.

APPENDIX I

FRENCH LANGUAGE AND SCHOOL RIGHTS OUTSIDE QUEBEC
(1860-1930)

1864 - Nova Scotia: French-speaking Catholic Acadians are forbidden
to have French Schools.

1871 - New Brunswick: Catholic schools are closed and the teaching
of French (and in French) is forbidden in public schools.

1877 - Prince Edward Island: Catholic and French schools become
outlawed.

1890 - Manitoba: Separate (Catholic)schools are outlawed and the
teaching of French (and in French) is forbidden at the secondary level.

1892 - Northwest Territories (including what is now Alberta and
Saskatchewan): Teaching in French is outlawed in public schools and
Catholic schools are prohibited.

1905 - Alberta and Saskatchewan: The regulations of 1892 (Northwest
Territories) are confirmed.

1912 - Keewatin: Denominational (Catholic) schools are suppressed
and the teaching of French is forbidden.

1915- Ontario: By regulation (regulation No.17), French is outlawed
in Ontario Schools.

1916 - Manitoba: The teaching of French is forbidden at all levels.

1930 - Saskatchewan: The teaching of French is prohibited even
outside school hours.

Source: Abbe Lionel Groulx, L£nseignement francais au Canada (Montreal:
Granger Freres, 1935)

NOTE: After World War I, most provincial laws were amended to permit
the teaching of French as a foreign language, usually for a maximum of
one hour a day. Since 1960 further amendments have been introduced.
French has been allowed as the language of instruction in classrooms
where students are all French-speaking, but minimum requirements
have been set for the teaching of English to such classrooms.

SOURCE: Andre Bernard, What Does Quebec Want?, p.27.

"APPENDIX II"

The following is the Union Nationale's proposal to the "Confereration of Tomorrow" Conference, Toronto, November 1967 as cited in Canadian Federalism: Myth or Reality, first edition, pp. 363-364.

Quebec, as the representative of the French-Canadian nation, should have

> ...free rein to make its own decisions affecting
> the growth of its citizens as human beings (i.e.
> education, social security and health in all
> respects), their economic development (i.e. the
> forging of any economic and financial tool deemed
> necessary), their cultural fulfilment (which takes
> in not only arts and literature, but the French
> language as well), and the presence abroad of the
> Quebec community (i.e. relations with certain countries
> and international organizations).

> ...By this process, the Quebec Government would gradually
> become solely responsible within its territory for
> all public expenditures on every form of education,
> old age security, family allowances, health, employment
> and training of the labour force, regional development and,
> in particular, municipal aid programmes, research, fine
> arts, culture, as well as any other social or cultural
> service within our jurisdiction under the present
> constitution. Existing federal programmes in these
> fields would be taken over by Quebec, which would
> maintain their portability where applicable.

"APPENDIX III"

CONCRETE FORMS OF SPECIAL STATUS

A discussion of the principles of special status would not be of much use. It is better to show illustrations of such status for Quebec. Here are several suggestions which could form the basis of further research:

1. In the preamble of a new constitution one would have to state clearly that Canadian political society is founded on the principle of cultural duality. If this duality is to become meaningful, special responsibility for the "distinct society" will fall on the government of Quebec. Means must also be found to write into the constitutional text the major observation of the Dunton-Laurendeau Commission - that is, that there exists in Canada two "distinct societies" one of which is mainly centred in Quebec. Cultural duality in Canada is a noble ideal worthy of the most generous efforts. However, if Quebec is not made the focal point of our second culture, there is no chance of achieving this ideal. History has proven this amply.

2. We would be inclined to leave the central government nearly all the precise powers that it exercises now by virtue of Section 91 of the B.N.A. Act. However, to this general provision, we would add precise clauses concerning the recognition of the wider latitude that Quebec must enjoy. Here are concrete examples:

    A. In Quebec's case, one would have to foresee the possibility of delegation of powers which could be effectuated without modifying the constitutional text each time. Articles in this supplement deal with the sharing of costs and responsibilities in sectors such as the placement of labour, agricultural credit, detention, rehabilitation work for deliquents and police services. Without making this a question of absolute principle, we are of the opinion that nothing should stand in the way of such services being guaranteed to Quebecers by the Quebec govern-ment for obvious social and cultural reasons. In an eventual constitutional amendment formula, given Quebec's special status, provision would have to be made for the possibility of such transfers. This was the most serious omission of the Fulton-Favreau formula.

B. For matter of a social or cultural nature which were not assigned exclusively to one or the other levels of government in 1867, there must be the possibility of either national solutions or the right of Quebec to declare its prerogatives and, as a result, withdraw from federal programs in exchange for fiscal compensation. In this category we would include the following matters:

(a) family allowances;

(b) Old age pensions and the Canada pension plan;

(c) social welfare and assistance;

(d) housing;

(e) scholarships and bursaries to students;

(f) financial institutions, insurance and trust companies, commercial societies, with the exception of the banks and the other institutions which would be especially entrusted to Ottawa's care;

(g) regional and urban development;

(h) scientific research in the universities.

C. In sectors which have traditionally fallen within the jurisdiction of the federal government, certain legal interpretations that,until now have been too rigid would have to be revised, and the need must be recognized for a new division of responsibilities that would take into account legitimate aspriations - notably those of Quebec. Can one, in 1967, continue to argue that Ottawa ought to have exclusive and complete power in international relations, broadcasting and immigration? Already, the courts have undertaken to define limits on its jurisdiction in these areas. Reasonable and thorough consideration of each of these areas of jurisdiction should give rise to fresh distinctions more in line with life in 1967. Since Quebec has jurisdiction over education and social security, and the development of French culture in Quebec, why should it not have the right to create the international ties necessary to the full and intelligent exercise of these powers? How can it be argued that Quebec should entrust Ottawa with exclusive control over radio and television in the province? If Quebec is largely responsible for French cultural development within the province, is it even conceivable that the federal government be allowed to exercise full authority over immigartion?

The three areas of federal power which are questioned have, because of the ambiguous terms under which they were laid down, been used to the advantage of the central, government. All of them merit more careful scrutiny.

3. In certain areas the British North America Act must frankly be altered. Substitutions must be made for sections which have become obsolete or ambiguous so that the new terms take Quebec's particular position into account. In this respect, here are some examples:

   A. Jurisdiction should be given to Quebec over matters such as marriage and divorce which are intimately connected with property and civil rights.

   B. The organization of the courts should be revised to encourage more uniform development of the Civil Law and to give Quebec more clearly defined guarantees in matters of arbitration, particularly those concerning constitutional questions.

   C. Quebec's right to have its own language policy should be more clearly established in the same way as exists in the other provinces. By this we do not mean to advocate unilingualism, a concept to which we do not personally subscribe. We will, however, use all our energy to protest against a constitution which entrusts French-language rights to the other provinces, but shackles Quebec with English-language guarantees.

   D. In the present constitution, the central government possesses several very general powers, notably: taxation, the right to make laws for peace, order and good government in Canada, the power to act in the national interest, and the residual power. Ottawa's interpretation of these powers has created discontent in Quebec on many occasions. The central government often used its interpretation as an excuse for interfering in areas of provincial jurisdiction - at least in Quebec's case. A new constitution should define more rigidly the contents and the exact limits of these general powers. It should also be specified that Quebec has the power to disassociate itself without being penalized by Ottawa financially or otherwise. Quebec would be free to take this step except in grave situations such as a state of war or rebellion within the

c   country. In case of a constitutional dispute, only
a constitutional tribunal that had been accepted
by all parties should have the authority to decide
the case.

E.   Finally, a constitutional discussion would provide
a chance to examine completely the role and the
composition of the Canadian Senate which, in its
present form, hardly corresponds to the requirements
of wholesome federalism.

4.   As to the implications that the concept of special status would
have for economic policy, particularly monetary and fiscal policy,
Quebec should be allowed to exercise its jurisdiction without
undergoing loss of revenue - in other words, receive appropriate
fiscal compensations by right. It should also be a rule in a
normal federal system that each level of government should
have direct access to the sources of revenue that it needs to
fulfill its responsibilities properly.

Having established this, one must recognize that until
further inquiry has been made, a minimum number of essential powers must
be left with the federal power. Without these, it could not influence,
as it must, general economic trends.

The articles by Otto Thur and Robert Bourassa suggest a prudent
and realistic approach in that respect. For the moment, we will simply
present some considerations in line with their thinking:

1.   We must undertake studies which consider in detail the
relation of the Quebec economy with that of the rest of
Canada, the United States, and other countries. We lack
specific facts on this subject and our discussions end
in ambiguity shortly after they begin.

2.   We must accept the fact that a limit should be set on the
proportion of direct taxes that Ottawa can give up to
the provinces. According to certain experts, this limit
could vary from 50 to 80 per cent. In practice, it could
not reasonably fall below 35 or 40 per cent. The role of
direct taxes is too closely interconnected with general
economic progress and growth to eliminate justifiably from
this field of taxation the government which has the general
responsibility of ensuring a balanced economy. In any case,
there is no reason why the proportion should be identical

for all provinces. It could remain about 40 per cent for the other provinces and be lower for Quebec so that the latter could fulfil the special responsibilities we have mentioned above. In any case, the deciding factor must be the provision of the federal intervention mechanism so that the central government retains its influence over the economy. Mr. Sharp's experience in 1965 with the 10 per cent tax reduction provides a very useful illustration of this point.

3. Apart from direct taxation, an important transfer of resources could also be achieved through indirect taxation, particularly through the federal sales tax and certain other taxes, e.g., on tobacco and alcohol. The idea has already been put forward repeatedly by Robert Bourassa, a contributor to this collection. It has also been taken up by the Advisory Committee on Confederation established by the Ontario government. On this subject, one would find it well worthwhile to refer to a study contained in the second volume of Background Papers and Reports prepared on behalf of the Robarts' government.

4. On matters which concern monetary policy and foreign commerce, Ottawa should retain prime responsibility and have the powers to fulfill it as befits a sovereign government. Increasingly, frequent consultations will have to take place with the provinces. Besides, one cannot rely too completely on the effectiveness of provincial representation on federal decision-making bodies.

5. Centralists must realize, after all, that four-fifths of public investment expenditure in Canada will be, from now on, the responsibility of the provincial and municipal authorities; also, more than half of the public revenue will be raised in the future by these same authorities. These facts are proof that economic policy cannot be thought of as the exclusive responsibility of the central government.

APPENDIX IV

Claude Ryan stated: "...there are a host of [areas] where presently
both governments act simultaneously, and where their dual presence
does not always seem complementary or justified. Here is a partial
list of these areas:

> family allowances;
> old age pensions and guaranteed income payments for
> the aged;
> social and welfare allowances;
> urban affairs and housing;
> regional economic expansion and aid to industry;
> scientific research in universities;
> the control of financial institutions, except for banks;
> manpower management and professional training programs;
> the registration, incorporation and control of commercial
> enterprise;
> agricultural loans;
> the detention and rehabilitation of delinguents;
> the nomination of judges and organization of the courts;
> police services;
> immigartion;
> broadcasting;
> aid to the arts and letters and to culture;
> marriage and divorce;
> farming and agricultural policies.:

APPENDIX V

"The Canadian Option" as appears in Choose Quebec and Canada, pp.91-92.

    "In the course of the discussions concerning revision of the
constitution, the Quebec Liberal Party will therefore insist that Quebec
possess all the legislative, fiscal and administrative powers necessary
to ensure its progress along the lines of its own culture. It will
insist, among others things, that in additon to guaranteeing the language
rights of francophones in a more explicit and effective way, and to
enshrining the principle of equality of opportunity for all citizens
in the economic and social sphere, the renewed Canadian federation:

1) Grant to the provinces such powers as are needed to enable the Quebec government to reasonably ensure the development of Quebec society in accordance with its particular aptitudes;

2) Ensure an effective representation of the viewpoints and interests of the regions and in particular of Quebec, within federal agencies that are summoned to play a key role in various fields;

3) Permit constitutional, legislative and administrative arrangements with Quebec in certain fields where the other provinces would not have the same reasons as Quebec for wanting to exercise direct authority over government action;

4) Protect the provinces from the excessive use of certain general powers of the federal Parliament that have often served in the past as pretexts for untralizing (sic) [centralizing?] policies contrary to the spirit of the constitution;

5) Recognize the right of Quebec freely to pursue international relations in the fields that lie within its competence, subject to the principle of essential unity in the country's foreign policy."

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A GENERAL OVERVIEW OF THE CANADIAN POLITICAL ELITE

RON LANGLOIS

For some, elites are the "decision-makers" of society whose power is not subject to control by any other body in the society. For others, elites may be minimally defined as a set of upper most positions within any given institutional sphere, that is arranged in a definite hierarchy. Whatever definition one may wish to subscribe to, one thing seems apparent - the concept of elites is a widely accepted fact in modern political theory.

It is my purpose in this essay to present a broad, general overview of the Canadian political elite. To this end, the basic form of the essay will consist of four focal points. Firstly, I shall examine three attempts made by prominent political theorists to define the Canadian political elite. I shall note the differences between the three appraisals of the Canadian political elite, offer suggestions for those differences, and, thereby, illustrate the difficulty one encounters in recognizing a political elite. Secondly, I shall discuss the major characteristics of the Canadian political elite, that is, what the members of the political elite have in common and how these common characteristics help constitute an elite position. Thirdly, I shall explore the possible purposes that the Candian political elite has for the Canadian society. And fourthly, I shall comment upon the danger posed for the Canadian Parliamentary system as a result of the perhaps inevitable movement towards the concentration of greater and greater power in the Canadian political elite and the corresponding relative decline of Parliament in its ability to perform its traditional functions, the

chief of which in liberal democratic theory, is to control and hold the political elite accountable. Let us examine each of these four focal points which, I believe, are essential to the basic understanding of the political elite in Canada.

The significance of various elites (i.e. economic, political) in Canadian society has been frequently noted. The landmark in this field is John Porter's The Vertical Mosaic. In The Vertical Mosaic, Porter is quite specific as to whom he considers to be Canada's political elite. The political elite, according to Porter, "are all those who were Federal cabinet ministers during the period 1940-1960; all Provincial premiers in office during the same period; all justices of the Supreme Court of Canada; presidents of the Exchequer Court; and the Provincial chief justices who held office during the same period."[2] The political elite, in this instance, is quite small - 157 people. I will examine, shortly, the reasons for John Porter's selection, but first, I would like to compare Porter's definition with that proposed by Robert Presthus.

Presthus views the Canadian political elite as a much larger body. In his book, Elite Accomodation in Canada, Presthus defines the Canadian political elite as consisting of those individuals who played an active role during the period 1967 to 1971 in Canadian parliaments, in the higher civil service (which he refers to as the Bureaucracy) and in interest groups. More specifically, the elitists are defined as the 1,124 individuals included in a random sample of legislators, civil servants and directors of interest groups.[3] It is obvious from these two definitions that there are many divergent views as to what actually constitutes the Canadian political elite. Let us examine several of the divergent views that exist concerning the size and membership of the Canadian political elite.

When considering the political elite, Porter makes his selection on the basis of power, on the basis of those who possess power and make decisions in the Canadian system. On this basis, Porter excludes

non-cabinet members of Canadian parliaments. Simply, Porter is doubtful that members of Parliament or members of Provincial legislatures have important decision-making powers. It is interesting to note that Provincial cabinet members are also excluded from the political elite by Porter. This is, again, as a consequence of their lack of decision-making powers. John Porter views the premier as being supreme in Provincial politics.

John Porter views the Canadian Judiciary as hierarchial with the upper levels constituting a major decision-making segment that creates, defines and arbitrates the laws. According to Porter, the Judiciary, unlike the M.P.'s , does seem to influence, substantially, the decision-making process. Hence, Porter includes the Judiciary in the Canadian political elite. Robert Presthus, on the other hand, excludes the Judiciary from the Canadian political elite but includes all legislators. Presthus does not seem to make the distinction between those who possess power and those who have potential power. I feel that this distinction must be made, as it is by John Porter, before the "true" definition of the elite can be obtained. If one chooses to include all politically influential individuals in the political elite, whether they exercise their influence directly or indirectly, then I don't believe one has a "true" political elite. Vilfredo Pareto, the nineteenth century Italian sociologist, recognized this distinction and coined the term "governing elite" to label the larger group of "influentials" and "less influentials".[4] The size of the elite depends on where one draws the line between the politically influential and the less influential.

The difference which I perceive to be the most striking between the definitions of John Porter and Robert Presthus is the inclusion or exclusion (whichever definition one accepts) of the higher level civil service (high level bureaucratic and interest group leaders) in/from the Canadian political elite. The reason Porter excludes the higher level bureaucracy is quite straightforward. John Porter views the higher level bureaucracy as a separate elite apart from the political elite. It is hierarchial in form and supposedly apolitical in nature. While I tend to concur, to a large degree, with John Porter's appraisal

of the Canadian political elite, I fail to see why the higher level civil service should not be included in the Canadian political elite. As such, I tend to support Presthus' belief that, in terms of the actual making of decision, such a differentiation between the bureaucratic elite and the political elite is not necessarily appropriate and that, as a result, the higher level bureaucracy should be included in the Canadian political elite. Furthermore, J.E. Anderson in "The Drug Bill: Aspects of the Policy Process" sees the higher level civil service as an intricate part of the political elite and the decision-making process.[5] In his article, Anderson analyses the role of the higher level civil service in the amending of the Canadian "Drug Bill". Briefly, the study illustrated that the higher level bureaucracy proved to be the strongest advocate of the program to amend the "Drug Bill" and, thereby, reduce drug prices in Canada. In the absence of organized pressure groups sympathetic to the policy, the upper level bureaucracy had to provide many of the services supporting the policy. The upper level of the civil service contributed to the policy process by having a policy ready and advertised. The higher level civil service was initially responding to public information and suggestions. In conclusion, the higher level civil service and government ministers seemed to provide the momentum resulting in the final amendment of the "Drug Bill". Although this is only one case study, it does make a strong argument for the inclusion of the higher level civil service within the Canadian political elite.

At this point, I would like to mention a definition of the Canadian political elite which is contrary to those put forth by John Porter and Robert Presthus. This is the definition of Wallace Clement.

In The Canadian Corporate Elite, Element views the political elite as not existing solely in itself, as Porter and Presthus do, but as being a mere part of a larger economic elite, that is, the "Corporate" elite. The "Corporate" elite is a social group and all of the "Corporate"

elite are members of the bourgeoisie. Since the elite is hierarchial only the upper levels of the bourgeoisie are members. The "Corporate" elite, therefore, includes their families and elites from other key institutions such as "the state" (Clement is speaking of the political elite when he refers to "the state"). Hence, Wallace Clement does not reject the notion of the political elite. He views it as a small part of the "Corporate" elite which he feels make the real decisions about development within Canada.[6]

Porter and Presthus, though, differentiate between the "Corporate" elite and the political elite. However, they suggest that there are close ties between the occupants of the "Corporate" elite roles and members of the political elite. Robert Presthus has illustrated that the common factors in the social backgrounds of various elites have led the political and "Corporate" elites to have many common attitudes.[7] In the general sense, as John Porter has argued, key figures in the structure of corporate power tend to come from the same kind of high status social backgrounds as members of the political elite and, in the specific sense, there tends to be a good deal of lateral mobility from positions of power within Canadian corporate structures to positions of power within Canadian political structures.[8] The observation that there are close ties between those who make corporate decisions and those who make political decisions cannot be denied.

As I have illustrated, Porter, Presthus and Clement disagree on the size and membership of the Canadian political elite. Conflicts such as these are anticipated by John Porter when, in The Vertical Mosaic, he says that"because the selection of elite groups involves a degree of arbitrariness the relative size of them can always be disputed." Hence, it is not my purpose to derive a set selection of members of the Canadian political elite. Thus far, in order to provide a basic over-view of the Canadian political elite, I have endeavoured to illustrate the

conflicting views of three prominent political theoriests concerning
the character of the Canadian political elite, and, thereby, to illustrate
the difficulty one encounters in recognizing a political elite.

Essential to the basic understanding of the Canadian political
elite is an examination of those principal characteristics which serve
to distinguish the Canadian political elite. The characteristics of
the Candian political elite that one identifies will change depending
upon one's perception of the size and nature of the membership. Hence,
let us examine the characteristics of the Canadian political elite which
are inherent in the definition of John Porter, Robert Presthus and Wallace
Clement. When I refer to the Canadian political elite, therefore, I
will arbitrarily use all members of Canadian parliaments, high level
bureaucrats, directors of major interest groups and the upper level
the Judiciary.[9]

Let us examine the socio-economic status of the Canadian
political elite. When the Candian political elite is studied for social
background, several characteristics emerge. The majority of the political
elite are native-born; only a small portion are born outside of Canada.
The political elite are predominately white with three-fourths belonging
to the English charter group and less than one-quarter (21.7%) having
French ethnic affiliation. With regard to religion, there tends to
an under-representation of Catholics in the political elite. A little
less than one-third (30%) of the Canadian political elite are Catholic.
The British charter group religions, Anglican, United and Presbyterian
were all slightly over-represented. There are few Jews in the Canadian
political elite. "Regional, French-English, religious cleavages are,
on the whole, quite faithfully reflected in the composition of elites."

In many ways, though, the political elite in Canada is not
representative of the population it leads. Education and occupational
status are two striking examples. The members of the Canadian political

elite have a much higher proportion of university graduates than the
general population with 86% having had university education. This is
remarkable considering that only 8% of the Canadian population have
university degrees. Occupationally, the political elite draws heavily
from the higher strata of the Canadian economy as the following table illu-
strates:

Occupational Status of the Canadian Political Elite

	M.P.'s	Bureaucrats	Directors
Higher Executives	47	82	26
Lower Executives	24	18	46
Small Business	26	-	10
Clerical	2	-	10
Skilled Worker	3	-	7
Semi-Skilled Worker	14	-	1
Unskilled Worker	-	-	1
N =	269	214	620

In the above table, the classification "Higher Executives" included all
high level managers, deputy ministers and such independent professions as
law, medicine, dentistry and university teaching. The category" Lower
Executives" included business managers, engineers, accountants and
salesman. And finally, the category "Small Business" included proprietors
of various kinds, including farmers.

Hence, one notes that the Candian political elite is characterized
by an upper socio-economic class bias. Why is the Canadian political elite
so overwhelmingly drawn from the highest status and most privileged groups
in Canadian society? In response to this question, one observes, first,
that this phenomenon is not unique to Canada. Studies of the British
Parliament and of the American Congress, for example, demonstrate the
same kind of bias, In fact, as Queen's University lecturer, George Perlin,
relates, "in all of the industrialized societies where representative
democratic institutions have been established this pattern is to be found."[10]

Perlin indicates that, in every case, lawyers are the largest single occupation represented in the political elite.

Max Weber, the German sociologist, writing about the predominance of lawyers represented in the elite suggested that there is a certain affinity between law and politics. Weber argued that lawyers are specially skilled at advocacy which gives them an advantage in political discussion. John Porter in The Vertical Mosaic cites this as one possible explanation for the large number of lawyers in the Canadian political elite. Porter also refers to arguments that lawyers have special skills in mediation and conciliation which are important in politics; to the strategic position that lawyers occupy as consultants to both political and economic institutions, giving them knowledge which is important for political success; and to the fact that lawyers have less to lose in entering politics than persons in other occupations because they can resume their careers more easily if they are defeated.[11]

These arguments may account for the prominence of lawyers in the Canadian political elite but what about the other high status occupational groups? Why is most of the rest of the political elite made up of persons from the upper middle class?

One explanation, similar to the last one offered by Porter in respect of lawyers, is that only these high status persons can afford the time for, and the risks of, a political career. Either by virtue of the kinds of occupations they hold, or because of their financial security, according to this explanation, they can take time out to campaign and they can sustain the effects of defeat. Another explanation is that to be successful in politics a person must be relatively well-off. According to this view, in order to organize effectively to win a party nomination and then to fight an election campaign, a prospective candidate needs a good deal of money of his or her own, or access to contributions of large amounts of money

from others. For example, the average cost of a constituency for Liberal or
Conservative candidates is approximately 25,000 dollars.

A different kind of explanation to account for the over-
whelming presence of the upper middle class element in the political
elite is that "merit is rewarded".[13] This explanation holds that
the reason there are so many people of high status in the Canadian
political elite is that people in high status occupations are the most
able people in the society. This argument, however, assumes that there
is general equality of opportunity in the society, that the most able
people always get the best rewarded positions. The weakness in this
observation is clearly demonstrated by the fact that advancement in the
educational system is closely related to the class background from
which the child comes. Furthermore, one notes that university education,
the prerequisite to entry into a professional occupation, in particular,
is still very much the privilege of people of middle and upper middle
class backgrounds.

Another explanation is that the population wants to be represented
by persons of high status. In a sense, this kind of explanation is an
extension of the "merit is rewarded."[14] explanation. As such, it
proposes that the people want to be represented by those members of the
community who are most able and persons of high status "appear" to be
the most able. Some data from unpublished survey studies done by
members of the Political Science Department at Queen's University show
that there is a fairly strong tendency for members of the electorate to
mention professionals and executives when asked to choose the occupation
which they think   is the most desirable for a candidate to have. But
these studies have been in single constituencies in just two provinces.[15]

Still another explanation for the predominance of members from
the higher strata of the Canadian economy in the political elite is that
the political parties are inhospitable to persons of less than high status.

This does not mean that there is a conscious effort by the parties to exclude unapproved groups. The argument is rather that the parties are dominated by persons of high status and that this raises barriers of social distance which persons of lower status are unlikely to want, and are unlikely to be welcome, to cross. This argument, though, makes the assumption that people of the same status tend to interact with one another more than people of different status and that between people of different status there are differences in styles of living and taste.

Despite this high socio-economic class bias, evident in the Canadian political elite, it is interesting to note that members of the Canadian political elite seem to be self-made men. Only one-quarter of the Canadian political elite had fathers who enjoyed advantaged statuses. In addition to being self-made, the political elite is composed of men who have experienced a great deal of social mobility. Education is considered the primary reason for this characteristic.

That the Canadian political elite possesses this high socio-economic class bias and thus, is not representative of the Canadian population, does not mean, however, that the political decision-makers will always act against the interests of the working or lower classes. "There is ample evidence that they often provide redistributive policies in spite of considerable middle and upper class opposition. Nor does it mean that the outputs of the political system with respect to welfare policy, for example, would necessarily be much more equitable if there were more representation of lower socio-economic groups in the Canadian political elite."[16]

However, as a result of this upper socio-economic class bias, the vast majority of Canadians in the lower socio economic scale, as a consequence of their lack of education, money, membership in interest groups or representation among decision-makers, feel that they have

no real control at all over what emerges from their political system.
For example, a 1968 survey by prominent political theorist, John Meisel,
indicated that only 29% of Canadians ranked high in terms of political
efficacy.[17] The socio-economic class bias coupled with the increasing
movement towards the concentration of greater and greater power in the
political elite and the corresponding development of a sort of "socio-
economic-power" barrier between this elite contingent of decision-makers
and the general public (characteristic, perhaps, of the political elites
of all of the industrialized societies where representative democratic
institutions have been established), I feel, contributes, in large measure,
to the creation of a considerable amount of alienation, that is, of a
sense of helplessness in the face of government. This, it is argued,
is inherently inconsistent with the objectives of democracy defined
in terms of the freedom of the individual. Hence, in Canada, it is
essential that we "break down", to the greatest extent possible, this
"socio-economic-power" barrier that serves to alienate Canadians from
their political system. The creation of political structures which
are more conducive to a greater participation by the individual would,
perhaps, to a great extent, reduce this "socio-economic-power" barrier,
and thus, help to reduce the alienation that Canadians feel toward their
government. I shall offer a more detailed commentary upon the dangers
posed to our Canadian parliamentary system as a result of this movement
towards the concentration of power in the Canadian political elite, shortly,
but first, let us examine further characteristics which serve to distinguish
the Canadian political elite.

The Canadian political elite shows characteristics of continuity.
There are many factors which account for this continuity. John Meisel
believes there are three necessary features to the concept of an elite.
These are group consciousness, coherence and conspiracy (the last term is
employed by Meisel to mean a "common will to action"). Maturity among
elite members aids conspiracy. Bureaucratic members have the largest

proportion of   individuals in the 50 year plus category (57%) - followed
by directors with 46% and legislators with 41%. Furthermore, conspiracy,
I believe, occurs in the political elite because the elite shares similar
economic and social roots. Political analysts such as John Porter and
Robert Presthus assert that while there may, indeed, be some competition
between political elites and some differentiation of elites depending
upon the issue involved all of those elites have been drawn disproportionately
from a fairly narrow portion of society, mainly the upper middle class,
and thus, they are characterized by a "battery of compatible, social,
experential and ideological ties."[18] This encourages a sense of group
membership. The political elite will tend to think together, share
common interests and be cpmscopis pf tjeor =psotopm om spcoetu/. The
means by which the Canadian political elite obtains this continuity
of thought is called "accomodation". "Accomodation", as used by Robert
Presthus, "is the outcome of the process of consultation, negotiation,
compromise and conflict."[19] This process of "accomodation" is carried
on between the members of the political elite and it is through "accomodation"
that the elite maintains continuity. It is argued, though, that this aspect
of continuity in the Canadian political elite tends to account, in large
measure, for a continued elite committment to preserving their position
in the status quo and, as such,for an apparent lack of elite incentive
to develop imaginative and innovative public policy.

A survey done by Robert Presthus on elite "consciousness"
revealed that members of the political elite have an extremely high
feeling of political efficacy. High occupational and educational levels
were attributed to this characteristic. Their critical role in the
political system would also contribute to their feelings of efficacy.
Being conscious of their position also aids the Canadian political elite
in preserving their position in the status quo. Elites have been found
to be more likely to legitimize their position than do the general public.
In fact, the political elite feel that the public knows little

about elite activities. It is interesting to note that 75% of the
Canadian political elite share the view that citizens know little about
this vital aspect of policy making. A high proportion of Canadians do
exhibit a low rate of both political involvement and knowledge. As a
result of the movement towards the concentration of enormous power
in the Canadian political elite and as a result of the corresponding
development of a sort of "socio-economic-power" barrier between an elite
body of decision-makers and the general public, Canadians are becoming
increasingly alienated from their political system, and as a consequence,
are exhibiting a corresponding low rate of political involvement and
knowledge. If the essence of democracy is, as John Stuart Mill believes,
"a steadily enlightened electorate"[20] then in Canada it is with some
urgency that we must strive to develop political structures which
are more conducive to a greater participation by the individual, which
serve to bring the governmental process closer to the people, and thus,
which serve to enhance the political interest and awareness of the
Canadian public. Perhaps, too, in this way, we can foster a more intense
national spirit in Canada.

To facilitate the development of a broad, general overview
of the Canadian political elite, let us examine some of the possible
purposes of the Canadian political elite.

Since the study of elites was established as a part of Political
Science in the late 19th century, writers such as Pareto and Mosco have
taken a low view of the ability of the general public for self-government.
One purpose of the political elite, therefore, is to make decisions for
those individuals unwilling or unable. Because of its small size,
the Canadian political elite possesses greater communication and more
effective organization than does the general public.

Robert Presthus asserts that "the Canadian political elite
plays the major role in shaping and carrying out public policy, through

a sustained process of mutual accomodation encouraged by a battery of compatible, social, experential and ideological ties."[21] The Canadian political elite, too, according to Dowes and Hughes can "set the tone of society by developing a legitimating ideology."[22] This is accomplished through the formation of laws, through the curricula of schools, as well as through the control of the mass media. To what degree this is actually occurring in Canada is extremely difficult to determine.

Finally, the political leadership of Canada has a strong devotion to national unity. Mr. Lijphart, in his book, Politics in Europe, sees the role of the political elite as maintaining Canada's existence. The greatest threat to Canada's unity has come from the French population who are also represented in the Canadian political elite. What Lijphart suggests is that "accomodation" of the elites (political as well as economic) provides a link between the sub-cultures of Canada. By "accomodating" the interests of the French and English within the political elite, in this way, elites overcome the effects of cultural fragmentation.

The development in Canada of the "positive state" and the inevitable complexity of policy in an advanced and industrial society have together contributed to the concentration of enormous decision-making power in the Canadian political elite, and thus, has imparted to the Canadian political elite a decisive role in the shaping of the Canadian society. Yet, a significant degree of danger is posed to our Parliamentary system as a result of this, perhaps inevitable, movement towards the concentration of greater and greater power in the Canadian political elite and the corresponding relative decline of Parliament in its ability to perform its traditional functions, the chief of which, in liberal democratic theory, is to control and hold the political elite accountable (here, I am excluding, as does John Porter, non-cabinet members of

Canadian parliaments from the Candian political elite). We as Canadians, are increasingly ruled by a small elite contingent of decision-makers, many of them unelected advisors, and thus, politically not accountable:the ability of our liberal democratic institutions to ensure that the activities of this political elite conform to the will and aspirations of all of Canada's citizens as expressed through their representative bodies is, as the Watergate affair has demonstrated in the United States, an issue of great urgency.

The classical model of Responsible Parliamentary government places the House of Commons close to the center of the system where it is seen to act as "the grand inquest of the nation"[23], influencing , supervising and controlling the actions of the political elite. As Queen's University lecturer, George Perlin, relates, "social and political developments in the 20th century, however, have made this classical model of Responsible Parliamentary government quite irrelevant as a simplified representation of reality."[24] Over time, effective political power has moved on from the House of Commons to two key segments of the Canadian political elite - to the Cabinet and then, to some extent, further on to the Prime Minister who is no longer said to be simply a chairman or "first among equals". To gain an insight into the diminished ability of our liberal democratic institutions to control and hold the political elite accountable, and thus, to gain an insight into the danger posed to our Parliamentary system, let us examine those factors which have contributed to the predominance in our Parliamentary system of the Prime Minister - a decisive force in the Canadian political elite.

Perhaps the most crucial development has been the rise of mass-disciplined political parties with the introduction of universal suffrage. The rise of mass-disciplined political parties and the development of the mass media have transformed the nature of a general election from a number of largely unrelated constituency contests to a form of plebiscite, a sort of gladiatorial contest between the party leaders. Overwhelmingly,

national mass media attention focuses on the competing national party leaders, this personalization" of political issues being essential for "getting across" to the masses of voters. Thus, the image of the leader is one of the most decisive factors in the electoral fortunes of the Party. To a great extent, therefore, M.P.'s on the government side tend to feel that their principal mandate is simply to support the Prime Minister to do this is to ensure that he has the instantaneous and continual support in the House for his policies.

The Prime Minister's power over his Parliamentary Party is increased because of a number of other factors as well: the M.P.'s fear of the constituency Party if he rebels, and the P.M.'s power of patronage and the corresponding tendency of M.P.'s to be loyal in the knowledge that this is the best means of winning an appointment. With reference to the latter factor, a Prime Minister has a number of high status positions to be distributed among his backbenchers (i.e. Parliamentary secretaries, chairmen of various House and Caucus committees). With most of his backbenchers indebted to him for such positions and their accompanying status or "panting" for one, the probability of a backbench revolt - one of the few real restraints on a Prime Minister with a Parliamentary majority - is almost non-existent. Another factor that enhances the P.M.'s power over his Parliamentary Party is the M.P.'s natural partisanship - his feelings of personal attachment to his colleagues and his determination to allow the opposition Party to damage the reputation or to defeat his own Party.(This loyalty may not be directed to the person of the P.M. but he reaps its benefits.) All M.P.'s know their Party must retain a cohesive, business-like image for the electorate to entrust the Government to it. This attitude induces a recognition of the limitations of their own independent and critical actions. The limits of quiet tolerance on the part of backbenchers is very high. Konberg has discovered that most M.P.'s act out of "a concern for the attainment of Party -relevant goals and of a concern for

the continual viability of both the Party and Parliamentary System."[25]

There are some distinctly Canadian factors as well that contribute to the predominance in our Parliamentary system of the Prime Minister - the key figure in the Canadian political elite.

First, it is said that "the Canadian House of Commons has never possessed the reserve of aristocratic prestige which once gave the British House of Commons some leverage against the P.M."[26] Because the Canadian House has always been a "popular" chamber based on a wide suffrage, it has always been in the tradition of Canadian P.M.'s to make their primary appeal for support not in the House, but outside, to the electorate. It is said that only in Canada could such a cavalier treatment of Parliament be tolerated.

Second, the fact that a Canadian Party leader (and P.M.) is selected not by his fellow members in Caucus or the Cabinet alone, but by the entire Party in a national convention means that the P.M.'s position vis a vis his colleagues in Parliament is enhanced. He is not indebted to them for his selection and can more easily repel attempts within the Cabinet or the Caucus to replace him by appealing to the entire Party organization;moreover, because the political process in these conventions is very personalized (and given great media coverage), with only one winner and the rest vanquished, the position of the P.M. within the Governmental process is further enhanced. The fact that the traditional role of Cabinet Ministers, as regional spokesmen, has declined in the last two decades also increases the P.M.'s relative power and freedom within the Cabinet.

Third, the great expansion in the size and role of the P.M.'s personal office and staff, as well as changes in the organization and procedures of the Cabinet, further increases the P.M.'s power over his

Cabinet colleagues and his independence from the House. His enlarged personal staff in the Prime Minister's Office (PMO) gives him greater effective power and coordinative control over the entire operations of government. It also permits the P.M. to extend his political reach and gives him a strategic role in decision-making especially as Prime Minister Pierre Trudeau uses his staff to gather highly specialized technical information and political advice from outside the Cabinet and the regular channels of the civil service. Under Pierre Trudeau, the Cabinet secretariat in the Privy Council Office (PCO, or the secretariat for the entire Cabinet) has become an elite staff encouraged by him to exercise a subtle, centralizing influence over the entire Federal administration. Trudeau greatly expanded the size and scope of the PCO when he added a Priorities and Planning division to it. This Priorities and Planning division has become an important instrument for controlling the government machine. It and the Cabinet Committee on Planning and Priorities, which the P.M. chairs, together prepares the year's program of government activity. Through his decisive influence in his all-important Cabinet Committee and the personal expertise the PMO provides him on all matters before the Cabinet at any one time, the Prime Minister is in a position to wield unparalleled influence within that body.

It is this expansion of the PMO and the PCO and their extensive use of outside experts, task forces (which do not have to report to Parliament) and other forms of specialized research that threatens our system of Responsible, Representative, Parliamentary government. Such developments mean that the P.M. now has a more independent power position vis-a-vis both Parliament and the civil service (as well as his Cabinet colleagues), the traditional source of policy advice. M.P. s no longer have a monopoly on the assessment of "grass roots" political opinion and because these reports go only to the Cabinet, sometimes just to the P.M., the information gap between the elite contingent of decision-makers and the Parliament is further increased. The House of Commons,

in other words, is pushed back further, by the political elite, into
the shadows as far as the policy-making process is concerned. The
danger to the Canadian Parliamentary system has been lucidly expressed
in the following manner: "Armed with such an array of information,
the office of the P.M. assumes a very strong position, not only for
evaluating the policy proposals emanating from the departments in the
usual fashion but for planning and initiating policy alternatives.
If such powerful means of gathering social intelligence fell solely
to the prerogative of the P.M., the normal conventions of Responsible
Parliamentary government would be in jeopardy. Why, after all, should
it be necessary to 'bother' with representative institutions when, for
a few thousand dollars, the P.M. can obtain a very accurate estimate
of the 'general will' without reference to Parliament."[27]

It is because of all of these developments (in addition to
Trudeau's personal characteristics which are said to include
a lack of respect for Parliament as an institution and his
"unerring Presidential instincts"[28]), the net effect of which is to further
centralize power within the political elite, that it is frequently
charged that Canada is evolving toward a presidential system in which
the chief executive is free of the checks and balances of the presidential
system. This comparison of the Canadian Prime Minister and the American
President founders on the continuing fundamental difference between the
governmental contexts in which these two officers must endeavour to
carry out their executive duties - in particular the Prime Minister
faces the inescapable necessity of constantly having to explain and
justify his actions within the confines of Responsible Parliamentary
Government while the President can isolate himself in accordance with the
Congressional principle of Separation of Powers, as President Nixon did
in the Watergate affair. But the comparison does legitimately direct
our attention to a very real and serious danger: that we may be approaching
the threshold beyond which the ability of our Parliamentary institutions
to ensure this continued and genuine "Responsibility" is fatally diminished.

Before elaborating upon the various dimensions of this critical problem confronting our Representative and Responsible Parliamentary institutions, one "caveat" is in order. It concerns the only reasonable meaning we can give to the notion of Parliamentary "control" of the political elite and generally to Responsible government, at this point in time, Bernard Crick, in the Reform of Parliament has written that, because Parliament long ago lost its ability to control the political elite by threatening to topple it in a vote, the only realistic meaning for modern "control" is in a "political" sense. "Governments respond to proceedings in Parliament only if the publicity given to them is likely to adversely affect the public's attitude toward the government. Parliamentary control, therefore, now means influence not direct power; advice not command; criticism not obstruction; scrutiny not initiation; and publicity not secrecy. Control is thus political, not constitutional. Its essence is the ability of the House to compel the political elite (Cabinet) to continuously justify its conduct before a politically sophisticated and critical audience."[29] Let us now elaborate upon this critical problem involving the apparent lack of ability of our liberal democratic institutions to ensure that the activities of this elite contingent of decision-makers conforms to the will and aspirations of all of Canada's citizens as expressed through their representative bodies. The problem has several dimensions.

A major factor in the erosion of Parliament's ability to control and hold the political elite accountable has been the broadening scope of government activity. As demands for legislative enactments have multiplied, as the kinds of enactments have become technically more complex,and as increasing use has had to be made of the device of delegated legislation, M.P.'s have been able to participate less and less effectively in the making of laws and their capacity to scrutinize activity has been increasingly impaired. Also, the ability of Parliament to oversee the activities of the political elite in Canada is hampered by the fact that much of the elite policy making in Canada now is done in direct meetings of elites in Federal-Provincial Conferences, a process in which Parliament plays no role save that of an ex post fact legitimization of decisions taken elsewhere.

Furthermore, government members are reduced by rigid party discipline to servile instruments of the leadership. In the words of one M.P., "all they want around here are people who stay in line, lick boots and keep their noses clean."[30] The government Party Caucus, bringing together backbenchers and ministers as "in the means whereby a government can ascertain through its following what the views and opinions of the public, as represented by their various constituencies may be .. has been an ineffective participant in the formulation of policy."[31] A member of the Conservative Government Caucus of 1958 complained of a wall between backbenchers and the Cabinet. "Legislation was prepared in secrecy, outside of the backbencher's knowledge. Only the top civil servants seemed to know the nature of the bills to be presented. And these men never talked. This simply meant that a backbencher often had to wait for the introduction of a measure into the Commons before he knew the exact nature of the Government's plans. He was then expected to approve everything."[32]

Eleven years later, a Liberal Government backbencher also argued that the Party's Caucus was an ineffective instrument of political elite control. "The Caucus is very loosely organized (its executive has only the power to recommend and seldom does even that) and, consequently, discussions in full Caucus cover only a small part of the Government's total legislative program. Many of the matters raised by members are either local in nature or trivial in character. No motions are put in Caucus and no votes taken, and the Government is, therefore, always free to interpret Caucus opinion in its own way. There is no real dialogue with the P.M. since he always has the last word. Perhaps, worst of all, most of the discussion is after the fact, when the Government has already announced its policy, or at least made up its mind as to what it will do."[33]

In response to the lack of effectiveness of the Party Caucus to control the political elite, there have been some modest reforms. For example, the creation of the specialist Standing House Committees with the authority to conduct independent inquiries into matters of policy, constitutes a potentially meaningful step in re-introducing

Parliament into the mainstream of policy making, in enabling Parliament to exercise effective control of political elites. It has been argued that Government backbenchers will feel freer to act independently in this new system because defeat in Committee cannot be construed as a question of confidence. If this is the case, the Committees might develop an assertive non-partisan collegial identity, demanding greater Committee independence and power vis-a-vis the Cabinet. The initial performance of these standing Committees, however, affords little evidence for this argument.

Parliament has been weakened in its role of scrutineer and critic of the political elite not only by the increasing complexity of governmental activity but also by its own inadequacy. Question period has never been as effective in Canada as in Britain because too often it has been wasted on frivolous information-seeking questions and because House rules forbid argumentative questions or questions that seek opinion on matters of policy. At the same time, archaic rules of procedure in the House have encouraged not reasoned criticism but wasteful and pointless debate intended to obstruct the passage of government legislation. Hence, one has a further indication of the ineffectiveness of Parliament in controlling, or making accountable, this elite body of decision-makers.

Recent efforts to reform the rules, efforts accepted as legitimate by all Parties, have not been as successful as they should have been, because of the way in which they were attempted, and have served to demonstrate the real dangers to our Parliamentary system in having an increasingly powerful political elite that is largely unaccountable. For example, in 1970, the Auditor General (an independent officer of Parliament, like the Speaker, but an employee and not a Member of Parliament) complained that his requests to the Treasury Board for salary increases for his staff commensurate with those in other branches of the civil service had not been met and he therefore could not maintain sufficient staff to properly execute his responsibility for overseeing

the public accounts. Subsequently, two ministers critized the
Auditor General on a national T.V. broadcast for conducting investigations
on matters which they argued it had not been intended he should investigate
and, in the Fall, the Cabinet introduced a bill to restrict his powers.

In the face of opposition protests, supported by the press,
that the political elite was now striking at the basic rights of Parliament,
this legislation was withdrawn and the salary increases requested by the
Auditor General were approved. The conflict, however, brings home to
us the real dangers involved in having an increasingly powerful political
elite that is largely unhampered by effective checks on its conduct.
However, the fact that Canada, because of the fragmentation of its Party
system seems to have entered a fairly lengthy period in which minority
governments will be more the rule than the exception, is one reassuring
development in respect to this situation. The fate of the Clark minority
government of May 22, 1979 clearly demonstrates that minority governments
will face the very real threat of a defeat in the House unless they demon-
strate satisfactory responsiveness to the people's representatives and
even majority governments, as the one that tried but then abandoned
efforts to paralyse the work of the Auditor General, will show a healthy
respect for public opinion in a period in which majorities are won only
under exceptional circumstances.

Finally, Parliament has been weakened in its role in
providing effective redress to individual injustices resulting from acts
of the political elite. Despite the general competence of the civil
service (which possesses considerable discretionary power) there have
been increasing complaints of bureaucratic or elite insensitivity to,
or inefficiency in, dealing with the needs of those whom government programs
are intended to assist. People, thus, turn logically to the M.P. to
act in a liason capacity for them vis-a-vis this governmental "Leviathan".[34]
A study 12 years ago estimated that M.P.'s annually receive at least

30,000, and possibly twice that number, requests for assistance or complaints about difficulties in dealing with the bureaucracy. "M.P.'s simply do not have the resources in time, money or secretarial help to do their job adequately on their own."[35] In addition, the fact that the overwhelming majority of political elites (including, perhaps, M.P.'s) are above the average socio-economic status, as I illustrated previously, raises the question of whether this political elite has the sensitivity and motivation to properly represent the substantial minority of Canadians who do not enjoy the benefits of Canada's affluence and seem most dependent on this insensitive, elite apparatus. The possible solution, though, adopted already by some provinces (i.e. Ontario) is to appoint an ombudsman whose function it would be to investigate complaints by individuals who feel that they have been wronged by some political elite decision.

With regard to the fourth focal point of the essay, I have attempted to illustrate that the principal issues and difficulties that confront and threaten our Representative and Responsible Parliamentary government revolve around a basic tension between the Canadian political elite's inherent thrust toward greater freedom of action and Parliament's determination to maintain control over this political elite. Basically, the political elite seeks greater autonomy because this will mean greater efficiency in government; Parliament seeks to impose checks on the autonomy of the political elite in the name of preserving the citizen's right to participate in the process of government (through the representative system).

In summation, I have attempted to provide a broad, general overview of the Canadian political elite through the development of a four-fold discussion. Firstly, I examined the attempts of three prominent political theorists, John Porter, Robert Presthus, and Wallace

Clement, to define the Canadian political elite. I noted the differences between the three appraisals of the Canadian political elite, offered suggestions for those differences and, thereby, illustrated the difficulty that arises in attempting to recognize a political elite. Secondly, I provided an examination of the major characteristics of the Canadian political elite. I outlined those characteristics common to members of the political elite and illustrated how these common characteristics help constitute an elite position. Thirdly, I outlined the principal purposes of the political elite in Canada. And fourthly, I commented upon the danger posed to the Canadian Parliamentary system as a result of the movement towards the concentration of greater and greater power in the Canadian political elite and as a result of the corresponding relative decline of Parliament in its ability to perform its traditional functions, the chief of which in liberal democratic theory is to control and hold this elite contingent of decision-makers accountable. It is essential to note that this dilemma is not something remote from the individual citizen and irrelevant to his daily life. The citizen's interest is invoked as justification by both sides. In our modern, industrialized society, in the name of greater social justice, the Government of Canada has been asked to take on an ever-growing number of functions. Government has been required to provide more and more services and accordingly an elite contingent of decision-makers has been endowed with an increasing amount of effective political power. I feel, though, that, in the face of this partly inevitable movement towards the concentration of greater and greater power in the political elite, it is essential that we provide for the continuing ability of our Democratic Parliamentary institutions to ensure responsive and Responsible government. The forces impelling us toward an ever greater concentration and centralization of power in the political elite must be reconciled with the preservation of representative democracy - and freedom (perhaps, the most holy and precious fruit of our culture).

FOOTNOTES

1. W. Clement, The Canadian Corporate Elite, 1975, p.91.

2. J. Porter, The Vertical Mosaic, Toronto, 1965, p.386

3. R. Presthus, Elite Accommodation in Canada, 1973, p.10

4. G. Parry, Political Elites, 1969, p.34.

5. G. Perlin, Queen's University, Department of Extension, Politics 81-110 Notes, p.79.

6. W. Clement, The Canadian Corporate Elite, 1975, p.92.

7. R. Presthus, Elite Accommodation in Canada, 1973, Chapter 11.

8. J. Porter, The Vertical Mosaic, Toronto, 1965, Chapter IX.

9. The Majority of the statistical data on the Canadian political elite is taken from Chapter XIII of John Porter's The Vertical Mosaic, Toronto, 1965.

10. G. Perlin, Queen's University, Department of Extension, Politics 81-110 Notes, p.93.

11. J. Porter, The Vertical Mosaic, Toronto, 1965, pp.391-393.

12. G. Perlin, Queen's University, Department of Extension, Politics 81-110 Notes, p.94.

13. Ibid., p.94.

14. Ibid., p.94

15. Ibid., p.95

16. R. Van Loon and M. Whittington, The Canadian Political System - Environment, Structure and Process, 2nd ed., 1976, p.334.

17. G. Perlin, Queen's University, Department of Extension, Politics 81-110 Notes, p.91.

18. R. Presthus, Elite Accomodation in Canada, 1973, p.268.

19. Ibid., p.287.

20. B. Williams, Concordia University, Political Science C250 Notes.

21. R. Presthus, Elite Accomodation in Canada, 1973, p.268.

22. R. Dowes, Political Sociology, 1972, p.145.

23. G. Perlin, Queen's University, Department of Extension,
     Politics 81-110 Notes, p.78.

24. Ibid., p.79

25. Ibid., p.80

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THE GROWTH OF NATIONAL MEDICAL CARE:
A COMPARATIVE STUDY OF ENGLAND AND CANADA

ANNA DeLUCA

Health of mind and body is so fundamental to
the good life that if we believe that men have
any personal rights as human beings, then they
have an absolute moral right to such a measure
of good health as society and society alone, is
able to give them. Health is a first condition
of human personality...But the principle itself,
the positive service of human personality, is
among the absolutes in a state which itself is moral.[1]

INTRODUCTION

Gertrude Stein's timeless expression "A rose is a rose is
a rose" somehow ignores, I think, that important question of source.
Certainly for this rose to even exist required the planting of the
seed. Hence, we need a creator or creative force. Determining the
strength, deepness of pigment, and overall beauty of this rose
are the soil, environment and interest of the mentioned creator in
the growth, strength and soudness of his creation. Thus we have
now established the inseperable relation between the creator,
the setting and the final product. It is in this vein that I shall
approch my subject in this paper.

Comparative research must be approached so as to take into con-
sideration the setting of the particular policy from which it emerged.
Ignoring the setting disregards the question of source. Disregard for
the source ignores the true intention of comparative research. Having

established my priorities I shall now focus on the subject of goals for this research paper. This essay shall concentrate on the development and final birth of the medical care policies in both England and Canada. Particular attention shall be paid to the causes and setting from which the individual health policies emerged. In short, we shall concentrate on the historical action imperatives which culminated in the national medical care policies of the two mentioned countries.

The goal of this essay is to demonstrate that while the health policies in both Canada and England were triggered by similar events, the setting of those events affected and determined the approach and final outcome of the types of policies adopted by the two countries. Also, I have chosen to research the particular policy area of state medicine because I hold the opinion expressed by Lord Beveridge that social security which fails to include the right to health denies the whole purpose and intention of a society which professes security.

> Sir William Beveridge...emphasizes that the objective
> was not social insurance, but, rather, social
> progress. And this can be achieved by attacking
> what he called the five "giant evils" of Want, Disease,
> Ignorance, Squalor and Illness."[2]

My method of procedure in this paper shall be two-fold. I shall attempt to point out the differential in development in the two countries (1) by discussing developments in England and Canada concurrently and (2) by tracing the development of the different health policies adopted by each country. Hence Part I of this paper shall look at the effects of the depression and the second world war and subsequent inflationary taxes in both countries while Part II shall trace the roots of medicare in England first and then Canada. The third section of this essay shall attempt to emphasize the influence of the unitary and federal governmental systems of England and Canada respectively on the different models of medical care systems adopted by the two countries.

Finally, the completing section shall rationalize the similarities and differences of the two medical care systems so as to relate them to the countries from which they emerged.

PART I: WORLD WAR II, THE DEPRESSION AND THE WELFARE STATE

War imposes stringent demands on a state. It demands that any previous plans be set aside so that full attention may be directed toward universal mobilization. People are asked to sacrifice many social wants and needs with the promise by governments that social reforms shall be granted after the war as rewards for their great sacrifice. This was exactly the situation which WWII created. People were asked to make many sacrifices in return for post-war social reforms. In his book, Social Control of the Welfare State, Morris Janowitz writes:

> ...the impact of World War II supplied the
> threshold events that brought the welfare
> state into being. In Great Britain, WWII
> had a visible and...dramatic consequence...
> the procedures of national wartime mobilization...
> for all of the Western parliamentary democracies
> created the essential structure of the welfare
> state.[3]

People who had experienced the total helplessness of the depression of the 1930's followed by six years of war were now demanding that their state deliver on the promise of what their governments had during the war referred to as a "better nation" where people could at last live a "better life." So the people had sacrificed and fought and now they demanded their rewards. M.G. Taylor in his book, Health Insurance and Canadian Public Policy sums up the feelings of the Canadian people in the post-war period in the following words:

The dreams, hopes and aspirations of the Canadian
people were focused now on their leaders who had
the power and authority to convert those dreams
(promised dreams) into the realities of policies,
agreements, legislation, and operating programs.
The realities, even at their best, could never,
of course, match the hopes engendered by the
frustrations and deprivations of 10 years of depression and
6 years of war. There was a mood of rebellion against
the universal risks of unemployment and sickness,
disability and old age, widowhood and poverty, a
pervasive dissatisfaction with precarious minimum
wages...grudgingly-granted relief payments...The
hopes of a nation-ambivalently balanced between the
confidence born of a magnificent war effort and the
fear of the return of a depression - were focused on
the key factors in the unfolding drama.[4]

In Great Britain, the people were similarly promised great
social reforms following the struggle of WWII. More importantly,
the people had witnessed through the war that cohesive and collective
effort had repaid them with victory; that collective effort paid no
attention to classes and, in the final analysis, war emphasized
universalism and the benefits that can be accrued through this
universal collective effort. With this newly gained wisdom, people realiz-
ed that a similar effort could bring about much needed reforms. That is
as in war, the success of a welfare state is also determined by collective
cohesive effort and universalism.

The trends toward the welfare state that evolve
during total war were not merely the result
of stronger norms of egalitarianism and the
stimulation of popular demands for social and
economic betterminet. In Great Britain, the
morale of the home front was sustained not
only by Winston Churchill's eloquent propoganda
of national survival but also by explicit
promises of postwar social reform... A society
that could mobilize for total war was defined
as one that could also mobilize for social
welfare.[5]

Also, it was realized in both countries that while WWII had many negative repercussions, it had affected the economy quite favourably. WWII had brought economic prosperity. The populations of both Britain and Canada knew full well that their respective governments could have won the war only through high level government expenditures. Hence, the people willingly and silently endured the imposed high levels of taxation. When the war ended however the populations of both countries clamored for something tangible in return for the exorbitant taxes they were forced to pay. Thus, the governments were compelled to re-direct and redefine their economic strategies. To keep high taxation levels, the governments knew that they had to make a number of concessions. Donald Smiley explains Canada's post-war strategy to keep high taxation levels while simultaneously appeasing the people in the following words:

> ...the federal government and the provinces
> would cooperate in building a developed welfare
> state in Canada. It was believed at the end of
> the second world war that when the economy
> returned to peace-time conditions there would be
> a chronic deficiency of aggregate demand in the
> absence of heavy and continuous public expenditure.
> Thus it was recommended at the Conference on
> Reconstruction (August 6, 1945) that Ottawa
> cooperate with the provinces in establishing a
> national health insurance scheme, that the
> federal government assume total administration
> and financial responsibilities for old age pensions...[6]

Hence the consequence of the war was such that becuase individual tax levels sky-rocketed during the war and because people were becoming used to these high taxation levels, governments recognized that the higher tolerance for high taxes meant that extra funds accrued from these taxes could be used, in the post-war period, for other purposes namely, social welfare strategies.

With the demands of their populations becoming more vocal and articulate, with their promises made during the war for post-war reforms, with their population willing to endure higher taxation levels, and finally with the apparent and visible need for reforms to alleviate the conditions brought on by both the depression and the war, the stage had been set for leaders in England and Canada to seriously consider acting on their promises of social reform.

However, one must be careful to realize that although the depression and the effects of the war were the major influences leading to many social reforms, they were by no means the only events which culminated into the national health policies of the two nations. Both countries (especially England) had a long history of pre-existing laws, conditions and practices which influenced and ultimately triggered the need for comprehensive health policies. It is towards these action imperative and historical data that we shall turn to in the next section so as to emphasize the somewhat different circumstances and political systems into which the individual health policies of England and Canada were born.

PART II: NATIONAL HEALTH INSURANCE: ANTECEDENTS AND PRECEDENTS. THE ENGLISH EXPERIENCE.

Because of England's historical maturity, we can go as far back as 1601 at which time Elizabeth I declared the promulgation of the Poor Law to discover the first piece of legislation passed dealing with the health policy. This law placed the burden of caring for the town's sick and destitute on the shoulders of the local parish.However, it must be mentioned that even before this famous law and continuing long thereafter, philanthropic undertakings by the English aristocracy supported many hsopitals run by the Catholic church as charitable

enterprises.[8] These philanthropic endeavors were characteristic of
Britain's unique aristocracy which operated on the principle of
"noblesse oblige". Due to this active participation by its aristocracy
in the area of health, the state felt, and rightly so, that it did
not need to intervene in the area in any substantial way.

Eventually, the Poor Laws were reformed in 1834 whereby numerous
parishes were consolidated and placed under the authority of what became
known as the Board of Guardians.[9] These boards hired physicians whose
duty it was to care for the country's paupers. It must be qualified
that at the time, English law made a distinction between paupers who
were classified as "statutory poor" and thus entitled to social services
such as medical aid provided for under the 1834 Poor Law and "deserving
poor" who were treated and hospitalized at "voluntary hospitals".[10]
Voluntary hospitals were distinct from the parish hospitals placed under
the direction of the Board of Guardians in that the Board of Governors
of the voluntary hospitals were made up of members of the aristocracy
and upper classes. Hence, the practice of noblesse oblige persisted.

However, voluntary hospitals were finding it increasingly
difficult to care for the gorwing number of "deserving poor" as cities
began to grow as a result of rapid industrialization. James Stirling
Ross, in his book The National Health Service in Great Britain summarizes
the increasingly horried living conditions of the time in these words:

> For a general estimate of the health of the
> country it is sufficient in that age to know
> how the people lived. The salient facts were
> the poverty and degradation of the people in
> the industrial towns, with their concomitants:
> first, the appalling sanitary conditions,
> including the widespread collecting of human
> excreat as a source of gain, and second, the
> terrifying danger of epidemic disease...The
> fact that the health problem lay in the social
> and industrial conditions gave it its magnitude
> and its difficulty.[11]

To curcumvent the heavy burden on hospitals imposed by the
industrial revolution, cities establishedmunicipal hospitals to take
in the statutory poor. Thus the situation now was such that
instead of having parishes take care of the paupers, we had
municipalities taking on the responsibility.[12] The nation's upper
classes however were quite outside any hierarchy and free from any
government intervention in their medical care. That is, the affluent
were being treated in private hospitals which only they could afford.
In essence then, what we had now was a 3-tier structure: (1) paupers
went to municipal hsopitals;(2) deserving poor were treated in
voluntary hsopitals;and (3) the affluent were cared for in private
hospitals.

Although industrialization imposed many negative conditions
on the people of the nation, it did create one weapon with which
to fight back-voluntary associations. Voluntary associations composed
mainly of skilled workers belonging to the working classes began to
spring up in many industrial cities.   These associations became
known as the Friendly Societies.[13] The primary purpose for the creation
of these societies was the following:

> British Friendly Societies in the 19th century
> organized some three million, largely working-
> class users of health services, and were able
> to exercise strong bargaining powers in
> contracting with physicians to treat their
> members.[14]

Thus, in the final analysis, we can see that the Friendly
Societies became the fourth tier in the English health services structure.
That is, while the pauper (statutory poor) and deserving poor were
being assisted by the municipalities together with the various philanthropic
undertakings of the aristocracy, the rich were treated in private hospitals
and finally, the working classes were being protected against the

economically trying experience of illness through self-help associations.
Technically, the Friendly Societies administered their service to the
working-class as follows:

> These associations were financed by periodic,
> usually weekly, contributions, The pools of money so
> assembled were used to assist members in distress
> due to death, disability, and related contigencies.
> In time the benefit associations also arranged for
> the services of general practitioners who were paid a
> salary, presumably related to the size of the
> membership. thus was the panel practice or capitation
> system born, that is, attaching a known patient
> population to a given physician at so much per capita
> per year paid to the physician.[15]

It is important to point out at this stage that dependents
of the workers were not covered by the Friendly Societies thereby
excluding a sizeable portion of the population. However, one can
see that the trend which was emerging in England at the turn of
the century was one which was developing in tandem with the
emerging class structures of the day. Because all the structures
remained completely separate from the others, the health system of
the time could in no way be termed a comprehensive one.

Toward the beginning of the 20th century however, England
began moving in a slightly different direction. More emphasis was
now being placed on the role of the government in the whole area
of health insurance. Essentially, the impetus toward this new direction
grew out of the influence of the emerging trade unions and organizations
such as the Charity Organization Society (1969) and the Fabian Society (1884).

The Fabian Society was the more important of the two for our
purposes here because this society was composed mainly of upper and middle
class intellectuals whose philosophy and ideology was basically socialistic
in nature. The Fabians, while being non-revolutionairies and gradualists
called for the transformation of society for it was, they argued, the
existing system which was the root cause of our destitution and corruption.

Transforming society would result in the alleviation of poverty.
The Fabians, however, never fell prisoner to the all-encompassing Marxist
ideology. They dared not if they wanted to   be taken seriously in
their gradualist and stable nation. England would never even entertain
the idea of a violent class struggle. This is so because of the
stability which the upper classes, acting on the principle of
noblesse oblige succeeded in maintaining the "counterbalancing
of the middle class and the aristocracy, and the eventual absorption
on the working class into the political process.[16]

It was felt by the Fabians and other such associations that
the system was simply not doing enough for its poor. Voicing their
opinions had the immediate result of making the question of health
insurance a political issue. To appease these groups a Royal Commission
on the Poor Laws and the Relief of Distress was set up in 1909
by the Liberal government of the day. The commission's task was to
examine the feasibility of health insurance and to reexamine the
whole welfare system which was presently in operation. Not surprisingly,
the Commission reported back that there was widespread dissatisfaction
by most every social and political organization with the existing
welfare measures set down in the Poor Laws and that this dissatisfaction
was rooted in the reality that poverty was not decreasing but on the
upswing.

With regard to the Commission's proposals, it did not favor
a free health system subsidized by general tax revenue. Rather, it
supported a slight tinkering of the already existing system
whereby the working classes could more easily obtain medical
assistance through payroll deductions. In essence, the report
merely proposed that the existing system of the Friendly Societies be
expanded and opened to include more workers and their dependents.

By this time however influential trade unions began to seriously advocate health insurance as one of the major social reforms. As a result, the Liberal Party, in power at the time felt that the dissatisfaction of the trade unions and the working class in general was becoming a serious threat. Odin Anderson in his book, <u>Health Care: Can There be Equity?</u> writes:

> It was, of course, in the working class that the "swing" vote lay, to which the Liberals and Lloyed George, who became Chancellor of the Exchequer...were in order to remain in power.[17]

It was with the above mentioned consideration that Mr. George began to seriously evaluate the political gains that a measure such as health insurance would reap. However, Mr. George was immediately encountered with resistance from the three major interests in the area of public health:(1) the Friendly Societies; (2) the industrial insurance companies;and (3) the British Medical Association.[18]

However, the Friendly Societies although jealous of their influence on the administration of their social programs for the working classes were quickly appeased by Lloyd George when he agreed to allow them to continue to act as administrative agencies. The industrial insurance companies, fearful that the Friendly Societies would get all the government's attention and thereby eliminate their competitive advantage were also placated when George allowed them to play a role similar to that accorded to the Friendly Societies as well as giving them a number of other concessions.

The British Medical Association (BNA) clearly favored a volunatry system based on the insurance principle. However, when it was realized that Lloyd George's proposal would cover only the lower third - that is, the poorest of the working class and when it

was realized by Lloyd George himself that the undertaking of health
insurance financed by general tax revenues would simply be too costly,
he too moved toward the contributory scheme of financing.[19]   Hence,
the BMA was also pacified.

It was thus that the National Insurance Act was passed in
1911, essentially the Act of 1911 was an act "to provide for Insurance
against loss of Health and for the Prevention and Care of Sickness,
and for Insurance against Unemployment and for purposes incidental
thereto."[20]   However limited the act was in coverage and scope, Odin
Anderson still refers to it as a major breakthrough. He writes:

> Considering the tenacity of the Poor Law
> philosophy, the need for a shift from economic
> laissez-faire thinking on the part of the
> Liberal Party regarding the role of the state
> in welfare,... the National Health Insurance Act
> of 1911 was indeed a breakthrough. The public
> sector was now moving into some responsibility
> for physicians' services for a normally self-
> sustaining element of the population.[21]

In 1919, a Ministry of Health Act was passed creating a
Ministry of Health.[22]   However, even with the 1911 Act and the
creation of the Ministry of Health, health services in England were
in no sense of the word comprehensive. Anderson sums up:

> By the late thirties...the British health
> services exhibited a highly variegated pattern.
> Welfare medical services for the statutory
> poor continued through the public hospitals
> and the Poor Law doctor; general practitioner
> services for the working class through the
> National Health Insurance Act and approved
> societies were consolidated; hospital insurance
> for the working class through contributory
> schemes was growing, as were similar schemes for the
> middle and upper classes, according to all ob-
> servers the whole structure rested on a deteriorating
> hospital plant.[23]

By 1939, England was deeply embroiled in WWII. At the end of the war in 1945, England was, for all intents and purposes, a changed country. A country with many pressing needs.

THE CANADIAN EXPERIENCE:

Canada may also, like England trace its roots to the Elizabethan Poor Laws of 1601. Canada was under British rule at the time and we, as Canadians may still detect modern day hospitals in the Maritimes for instance still being referred to as infirmaries thus indicating the lasting impression of our British heritage.

However, if we choose to realistically look at the Canadian experience vis-a-vis health policy, we must begin by tracing our roots only as far back as forty years. The great catalyst for social reform in Canada was the depression. At this time, our heritage of the Elizabethan law dicatated that municipalities alone were expected to bear the weight of administering ad hoc remedies for the pressing problem's of their residents. "Resident" is an important qualitative word in this instance for should you not have been a permanent resident of thatmunicipality in the sense that your domicile was situated else-where, you were not entitled to the welfare benefits provided by the municipality in which you presently lived.

Now consider for a moment our setting. It is the 1930's. The conditions of the severe depression are rampant. Municipalities are being flooded with welfare cases. Because many could not find jobs in their own municipalities or provinces, many attempted to escape becoming welfare cases themselves by migrating to other provinces with hopes of securing jobs. However, the sordid conditions of the depression simply could not be escaped. You became destitute no matter where you went.

But here enters the problem. You were in a municipality of which you
were not a permanent resident and your rights as a citizen were deter-
mined by your permanent residency (that is, your domicile) thus, for
all intents and purposes you were not entitled to any relief from the
municipality. Hence, we had scores and scores of people without rights
to relief of any kind. The situation however was not bright even for
those residents who were entitled to relief for many municipalities'
coffers were quickly becoming empty.

> ...rural municipalities in Canada reached the
> point of near or actual bankruptcy from the
> combination of declining revenues and
> expanding relief payments for food, clothing,
> and shelter. Medical care... was a luxury
> that only few individuals could afford...
> The medical profession thus bore the brunt of provid-
> ing medical care to the indigent and their stacks
> of unpaid bills would be empty legacies for
> their heirs.[24]

The situation became one of panic. The Canadian Medical
Association (CMA) as well as the provincial medical associations first
attempted to receive aid from the individual provinces but when this
strategy brought only very limited results, the CMA clamored and
lobbied for financial aid from the Dominion. The Dominion however
proved to be very unsympathetic. Prime Minister R.B. Bennett's
statement sums up the Dominion's reaction to the CMA demands when
he said:"While I have every sympathy with the point of view you
have expressed, you really have no contact with me;the matters which
you have presented are strictly the business of the provinces."[25]
And so the buck was passed.

Herein lies the major problem which Canada, as a federal
state, is confronted with. R.B. Bennett was in fact correct when
he opioned that health was within the jurisdiction of the provinces

for the British North America Act clearly states under Article 92,
Section 7 that the provinces have exclusive jurisdiction for:

> The Establishment, Maintenance, and
> management of Hospitals, Asylums, Charities,
> and Elleemosynary Institutions, in and
> for the province, other than the marine
> hsopitals.[26]

However, with the federal government being accorded the
power of the purse under the BNA Act, and with the provinces being
less and less able to deal with the depression conditions, the federal
government was coerced to take a stand. It is important to realize at
this point that the major difference between England and Canada with
relation to their policy-making powers are their very completely
different political systems. Recall that Britain's main opposition
to Health Insurance were the Friendly Societies, the BMA, and the various
insurance companies. However, the above mentioned groups are subject
to the laws of the state and thus without jurisdiction of their own.
Canada's attempts at passing any policy which stresses comprehensiveness
and universalism is aggravated by the existence of two completely
autonomous levels of government with jurisdictional powers. Having
to appease the different sectors and interest groups in society is an
additional factor which Canada is constantly faced with.

M.G. Taylor summarizes in the following words the situation
Canada found herself in when it emerged from the experience of the
dire thirties and the second world war:

> ...in a federal system, in a country just
> shifting from a depression economy to an
> unpredictable war economy, the financial
> restraint was further magnified by the unequal
> capacity of the provinces to finance health
> insurance, the fact that unemployment insurance
> on a national scale was coming into being, and
> that demands for old age pensions were being
> increasingly heard.[27]

As a result of the factors mentioned above, provinces very quickly realized that some action must be taken on their part. Thus in 1932 British Columbia appointed a Royal Commission to study the feasibility of a provincial health insurance scheme while Alberta appointed two committees on the same task in 1929 and 1933 and Ontario Medical Association whereby the government paid 35 cents for each person receiving relief to the Medical Welfare Board, a newly created branch of the OMA.[28] Hence, the Ontario Plan was the first publicly administered medical care program.

All the abovementioned attempts and succeeding provincial medical care programs were taken into consideration by the Royal Commission on Dominion/Provincial Relations appointed in 1937. Of course, the major concern of the Commission was to devise a method whereby provinces would agree to turn over their taxing powers to the Dominion for the duration of the war. However, the Commission did express some concern about the devastation of the depression and its effect particularly on migrating people who were not entitled to any medical assistance. Because of this realized fact, the Commission's recommendation was uniformity of either a "state medicine, state hospitalization or health insurance plan."[29] In order to achieve uniformity, the commission suggested, taxes should be collected solely by the dominion.

In the final analysis, although the Royal Commission had recognized many real problems and therefore brought them to light, their report had very little impact in the area of health policy. It was not until September 19, 1939 when Prime Minister Mackenzie King appointed Ian Machenzie as minister of the Pensions and National Health Department that the concept of health insurance received full attention and consideration. Mackenzie was a calculating man. First he asked Dr. J.J. Heagerty, director of Public Health Services to

begin a study on the whole area of health insurance.[30] Next, Mackenzie
involved the provinces by requesting the deputy provincial health
ministers, at the regular yearly Dominion Council of Health, to begin
studies on the feasibility of one comprehensive and uniform health
plan financed by the provinces but mostly by the Dominion.[31] As his
next step, the shrewd Mackenzie involved the various medical associations
by asking them to form health insurance committees so as to give
recommendations, in consultation with Mackenzie, on the projected
health insurance plan.

With all bases covered, Mackenzie requested and received,
in 1942, cabinet approval for the expansion of the Heagerty studies
and the creation of an Inter-Departmental Advisory Committee on Health
Insurance.[32] Essentially, this Committee was to have been the task
force which was to create the blueprint for Canada's health insurance
plan.

While Mr. Mackenzie was unravelling his strategy, he could
not anticipate the favorable impact which the Beveridge Report had on
England's social policies and the indirect influence which it was to
have on Canada's welfare system. The Beveridge Report also
supplied the newly formed Committee with a basis from which to expand
new ideas and policies in line with Canada's political system and climate.

Shortly after the Beveridge Report appeared, Mr. Leonard
March, one of the members of the Inter-Departmental Committee strongly
influenced if not single-handedly drafted a report on social security
for Canada. In his report, Mr. March essentially recommended that Canada
establish a comprehensive health insurance plan. Thus, after many
deliberations and paying particular attention to the constraints
of Canada's federal system, the Inter-Departmental Committee presented
Mr. Mackenzie with their extensive report. The report basically suggested
that six basic principles be met:

(1) that health insurance must include a public health program of a preventive nature;

(2) that the health program must be universal;

(3) that the method of financing must be through compulsory contributions;

(4) that it be a "national plan" for reasons of efficiency and unformity;

(5) that it be recognized however, that the constitution prevents the enactment of a "federal" national Health Insurance Act;

(6) Finally, that a constitutional amendment to remedy this conflict of interest is not recommended.

The compulsory method of financing which the committee envisaged was the following: A single contributor would pay 3% of his income but not exceeding a total of $26.00; a contributor with one and two dependents would pay 3.7% and 4.3% but not exceeding $52.00 and $78.00 respectively. It was the employer's responsibility to conbtribute the balance of payment should 3% of a contributor's salary not equal $26.00.[33] The role of the federal government was to contribute grants in aid to the individual provinces if those provinces agreed to a "national plan".

Let it be recalled that while the BMA was slightly wary of government intervention in the field of health insurance, the CMA, as a direct result of Mackenzie's ingenious hindsight to include the CMA in the formulation of the supposed blueprint of a national insurance act, convoked a Special Meeting of the General Council on January 18 and 19, 1943 at which time they enunciated that they were in complete favor of adopting publicly administered health insurance if that compulsory health insurance plan would be "fair both to the insured and to all those rendering the service."[34]

Hence, the committee received solid backing from the CMA an element which was initially lacking from the BMA in the British struggle toward health insurance. Mackenzie's next step was to secure the backing of the cabinet. More importantly however, it was realized that in the final analysis, it would be the decision of the provinces which would determine the success or failure of both Mackenzie and the committees proposals. In theory, the provinces favored the notion of health insurance. What proved to be the stumbling block was the financing of a health insurance scheme. Here the two levels of government were tollock horns. Mr. M.G. Taylor summarizes:

> ...there was unprecedented agreement on the main objective that a national plan was both necessary and desirable. The provinces... appeared to agree in principle but their decisions to participate would depend ultimately on hard bargaining with the premiers rather than on favorable responses by ministers of health.[35]

In short then, the question of jurisdictional power and autonomy superseded the general policy question. However, a major development occured when the new Department of National Health and Welfare was created on June 13, 1944 with Ian Mackenzie being replaced by Mr. Brooke Claxton as the new head of the new department.[36]; Mr. Claxton preferred to see health insurance as part of a general strategy of post-war reconstruction rather than it being an independent undertaking. His strategy was to appear to the provinces to be less interventionist than his predecessor.

Whatever Mr. Claxton's plan however, all business was to come to a standstill for Mr. Mackenzie King had called a crucial election for June 11, 1945. Prime Minister King was facing a growing threat from the national Cooperative Commonwealth Federation (CCF) which was socialist in nature and hence very much in favor of a national health insurance

plan. As well, the CCF had succeeded in forming the provincial government
in Saskatchewan in 1944 and the official opposition in Ontario in
1943.[37] The population's mood was generally one of anger for
having to endur six years of war with high levels of taxation and were
thus demanding a better way of life for both their struggles and
money. The Liberals knew that they had to answer to these needs if they
wanted to stay in power. It was thus that Mackenzie King felt compelled
to deliver the following promise:

> The Liberal program looks beyond family allowances
> to the early establishment of other greater
> social measures... The government also believes
> that a substantial improvement in national health
> could be achieved through Dominion/Provincial
> cooperation. We have accordingly pledged ourselves
> to support a measure for federal assistance in a nation-
> wide system of health insurance, to include assistance to
> the provinces for preventive medicine. If the present
> government is returned to office we shall proceed with
> these measures as soon as agreements with the provinces
> can be concluded.[38]

With another victory in tow, the Liberal government proceeded
to call a Dominion/Provincial Conference for August 6, 1945.[39]
The Tone of the conference was one of reconstruction entrenched in
increased social welfare measures. With respect to health insurance,
Mr. Claxton who was reappointed as Minister of National Health and
Welfare proposed   what became to be known as the famous Green Book
that:

(1) Cost estimates for hospital care and general
     practitioner services be revised;

(2) that "a provincial government entering the plan
     would agree to furnish general practitioner
     services, hospital care, and diagnostic
     services within a stated period after entering
     upon the plan;"[40]

(3) because considerable expansion of hospital facilities
    were needed, funding would be done through federal
    loans to the provincial governments entering the
    insurance agreements;

(4) health grants would be made available only to those
    provinces which had introduced health insurance.

This paternalistic attitude taken by the federal government
aggravated any hope for a national health insurance scheme. Provinces
refused to be bribed by the money of the wealthy federal government's
purse. The strings on the provinces were far too numerous and far
too restricting for the provinces to even consider the federal government's
proposals. On January 8, 1946 the Ontario government emphasized this
view when Premier Drew responded:

> If the provincial governments, and in turn the
> provincial legislatures were to abandon their
> most important sources of taxation in return for an
> annual payment on a fixed basis (which as the
> financial proposal of the federal government)
> they would place themselves in a legislative
> strait-jacket from which they could only escape
> by abandoning still further powers in return
> for added payments some date in the future...
> (provincial government) would become little more than
> local administrative commissions of the Dominion
> Government.[41]

On April 25, 1946, Premier of Quebec Duplessis echoed:

> (With respect to health insurance) the government of the
> Province of Quebec has concerned itself and will
> continue to concern itself with the problem of
> health insurance. It realizes, however, that the
> plan proposed by the Federal Authorities, is by
> common consent, imperfectly elaborated,that it
> cannot be carried into execution in its present
> form and that it contains principles that are
> incompatible with the autonomy of the province.[42]

With the strong sentiments expressed by Ontario and Quebec, the Conference collapsed with no agreement in sight. If nothing else however, the Conference, together with all the previous studies and attempts for a national health insurance plan succeeded in bringing the subject of health insurance to the forefront with the result that much public opinion was now being expressed on the subject. Provinces which were previously unconcerned with health insurance were also affected in that this new public awareness was becoming more and more clearly expressed. Thus, both the provinces and the central government knew full well that the subject of health insurance was not a closed subject but merely one which was being postponed to a later date when more propitious circumstances would bring conclusive results.

PART III: ANGEL FOOD CAKE VS. THE MARBLE CAKE DIFFERING INGREDIENTS FOR SIMILAR GOALS.

> The more one examines the roles of interest groups and national and provincial political parties in the formulation of policies, and the increasing interdependence of the federal and provincial governments, the less the two-tier federal system resembles the traditional "layer-cake" concept and the more it exhibits the idiosyncratic confusion of a marble cake.[43]

ENGLAND'S NATIONAL HEALTH SERVICE

It is obvious that England's unitary system of government facilitates any attempt by the government to nationalize any sector of society. It is true that England must be ready to confront strong opposition from the affected interest groups however, in Canada, this opposition becomes magnified when it is realized that in a federal state only harmonious negotiations, usually between provinces and the central government may bring about desired results. Canada's marble cake syndrome shall become more apparent when we closely examine

the federal attempt to sell its national medical care package to the
provinces. Suffice it to say at this point that England's unitary system
made the marketing and public relations task of the government much
smaller when it came to selling its national services package than
was the case in Canada.

The main opposition to a unified and national health services
system in England was the BMA. The BMA, in 1938, continued to hold
that state funded medical services should be restricted to the
poor and the working class and their dependents. The middle classes,
who, the BMA rationalized, could very well afford to pay for their
medical services should continue to do so. In short then, the BMA
proposed that health insurance should be restricted to the lower-income
classes.

By 1942 however the BMA was forced to change its tune. The
middle classes finding it increasingly difficult to cope with the
effects of the war on the economy and more directly on their pocket
books, began to demand that appropriate social reform be initiated.
Paramount among the requested reforms, the middle classes were appealing
to the government for a universal and compulsory health insurance scheme
which would cover them as well as the lower-income groups.

Odin Anderson argues that it was the collective voice from
the middle-classes which triggered both action and response from the
national government. Anderson writes:

> Not until the politicians sensed support from
> the middle-income groups was universal and
> compulsory health insurance politically viable.
> The broad middle-class is the vital center and,
> so far, the ultimate source of sanction for social
> reform. Not until health services had reached a
> certain level of incidence of costly episodes for

middle-income families...was there consensus that
access to health services should be "equalized"
for all income classes. The self interest inter-
pretation of the democratic-political process
is reflected in the policies and events in England...
After WWII.[44]

Hospitals in England first experienced being under government
administration when in 1939 the Ministry of Health established the
Emergency Medical Service which was to concern itself with the task of de-
vising and coordinating a system most suitable for the care of wartime
casualties.[45] This new committee ordered that 100,00 hospital beds be
kept free for war casualties and that for any of those 100,00 reserved
beds not occupied by a battle casualty the hospital would receive a
daily government subsidy. This was the first time hospitals were
placed under direct control of the government in any capacity.

In 1942 the Beveridge Report appeared and was received with
a sense of euphoria from a population disillusioned with the devastation
of the war years. Sir William Beveridge called for a comprehensive
and universal program in his report with complete disregard for any
program or system which based itself on class lines. Also in 1942 the
BMA issued a report which provided an extensive study of the effects of
war on the medical system.[46] This commission recommended that everyone
should be entitled to health services which should be provided by the
public authorities - that is the government.

This dramatic change in attitude by on the part of the BMA was
not lost on the newly elected Labor government (1945) of the day. It
must be realized at this point that the Labor party was one of Britain's
tremendous driving forces with respect to making that country one of
the leading welfare-states in the world. The Labor party, socialist in
perspective but not entrenched in Marxist ideology, preached and continues

to preach the moral and economic advantages of the welfare state. Roy C. Macridis, author of Modern Political Systems: Europe, writes that the Labor Party's major objectives may be classified as being 4 in number:

> ...the "democratization" of the economy by means
> of the nationalization of key industries and
> public regulation of the rest, a more nearly equal dis-
> bribution of wealth by means of death duties,
> taxation of unearned incomes, universal welfare
> services and the elimination of class differences.[47]

Thus, with their objectives firmly established, the Labour Party proceeded to move quickly and determenedly to mobilize the social welfare machine. However, the Labour Party cannot be given all the credit for the creation and identification of Britain as a leading welfare state. Yes, the Labour Party was a more committed party to public welfare; yes, it accomplished more than any other party, in less time than any other party in the area of welfare policy;but, the labour party was not the sole determinant in the strategy and creation of the British welfare state.

> The British welfare state is often identified,
> erroneously in large part, with the post-war
> Labour government. Actually, a great deal
> of public economic control and considerable social
> security legislation existed long before Labour
> took over in 1945, much of it representing
> measures passed by the Conservative governments.
> The first public health measures, for example, were
> enacted around the middle of the nineteenth century.
> Thus Labour, although desiring to go further faster
> was in fact building on past accomplishments.[48]

One of the past accomplishments which the Labour party acted on was the Beveridge Report of 1942. However, a White Paper, put forward by the Labour Party and entitled National Health Service, proved to be the impetus behind Britain's National Health Service. This White Paper was published soon after the BMAs Commission recommendations. The

White Paper took into consideration the proposals enunciated in the Bever-
idge Report, the BMA'S Commission recommendations and as well, it
reviewed the findings and experience of the Emergency Medical Service
of 1939. The recommendations of the White Paper itself stated that
a comprehensive plan was the goal whereby free choice of physician
by the patient was to be maintained. Furthermore, the medical
profession was to have a substantial influence on the administration of
health services. However, the ultimate authority was to reside in
the Minister of Health.[49]

Local government was to provide its population with
special services such as school health programs and home nursing. The
method of financing the proposal was very simple: it was to be done through
local and general taxation with the ultimate goal being a general tax
system.[50] All services were to be provided free of charge to the
patient. And finally, physicisnas were not compelled to become members
of the publicly administered program thereby allowing private practice
to continue to exist in a very limited way. Odin Anderson rationalizes
that the allowance of private practice by the government was done
grudgingly since he says:

> British thinking to this day, except for a few
> economists, somehow does not regard the public
> and private sectors as complementary alternatives.
> The private sector is at best a necessary evil to
> accomodate some physicians and patients who wish
> to be outside of the system.[51]

Parliament overwhelmingly accepted the proposals of the White
Paper. The British government, with its diplomatic skills in full gear also
succeeded in eliminating any threat from the existing voluntary hospitals
by convincing them that since they could never successfully reconstruct
their hospitals from the damages incurred by the war bombings on their
own, government funds were necessary. The government offered that it
would finance all renovations and reconstructions if the voluntary hospitals
would agree to enter the National Health Services plan. The war-torn volun-
tary hospitals could not refuse such an offer.

The BMA however still insisted on having a commanding voice in the administration of health services with the government's role being restricted solely to that of financing the program. Angerson argues, with the strong support the White Paper received from the general public, followed by the endorsement by Parliament, that the BMA was compelled to accept the terms of the government White Paper:

> In a society where the rule of law is so central
> and where it has been legitimized by the delibera-
> tions of elected representatives of the people,
> it borders on anarchy for an affected group to
> refuse cooperation. In the last analysis a legislative
> must act and not be dictated to by a minority on
> the substance of the legislation.[52]

And so the White Paper received Royal Assent on November 6, 1946.

In the final analysis we must look at the rationale behind a comprehensive national health service with respect to the legacy of Britains's (and most importantly, England's since we have traced in this paper the development of the NHS in England specifically) political development. Or rather, we must ask the question, setting aside the impact of the depression, the ravages of war, the subsequent outcry by the general public for social reforms, and the socialist ideology of the Labour government, why was England the first to adopt a universal national health insurance scheme?

To answer this question we must look at the British People themselves. The principle of noblesse oblige, that effective diplomatic element of appeasement has succeeded in making Britain one of the most stable countries in the world. No other country can claim the peaceful longevity Britain has enjoyed. Roy C. Macridis explains the concept of noblesse oblige unique to the British aristocracy in the following words:

> ...the British aristocracy was able to compromise
> and to make concessions to the middle and later working classes.
> It became "responsive" to these demands, as opposed to the
> negative, hostile attitude adopted by the aristocracy of
> most of Europe. This responsive attitude strengthened the
> chances that the new socioeconomic groups - especially the
> workers - would seek satisfaction within the system.[53]

It is within this context of noblesse oblige that comprehensive medical care flourished beginning with the Elizabethan Poor Laws and culminating in the National Health Service. Odin Anderson explains that:

>...the National Health Service seems logical in the British context...aristocratic noblesse oblige and Christian socialism did not think in piece-meal program terms for subsistence and medical care...The underlying attitude was benevolence and paternalism, in contrast to the Liberal view of limited insurance. If the Liberals had remained a dominant party instead of being split between Conservatives and Labour after 1920- England might have continued to think in health insurance terms more or less after the American pattern, that is, by dealing with special problems rather than legislating comprehensive service all at once.[54]

In retrospect then, the 1601 and 1834 Elizabethan Poor Laws, the Friendly Societies, the voluntary hospitals, the BMA, the depression,the war, the Beveridge Report and an accomodating aristocracy all culminated in the National Health Service. The word "national" is very important here for it emphasizes the uniformity allowed in a unitary system of government. Canada could not so much as intimate tagging the word "national" on any program without there being a nation-wide outcry. Herein lies the major difference between England and Canada. However, in the final analysis, the difference in the strategies toward achieving comprehensive policies in England was not one of substance but one of procedure.

ORGANIZATION OF THE NATIONAL HEALTH SERVICE

(A) <u>1948-1974</u>:

The purpose of this section is to give a brief sketch of the organization of the NHS. I do not pretend to give an all-encompassing detailed description of the organizational aspect of the NHS for this task would be beyond the scope of this paper. Hence my intention here is to give the reader a general understanding of the structures of the NHS.

In 1948, the NHS established a structure with three parallel
divisions all reporting to the MInister of Health. The Minister of
Health was directly responsible to parliament for "the provision
of all hospital and specialist services on a national basis, and
for Public Health Laboratory Service, the Blook Transfusion Service
and research concerned with the prevention, diagnosis and treatment of
illness."[55]

To advise the minister on the discharge of his duties, the
Central Health Services Council and its professional Advisory
Committees were established. It was also the duty of the Central
Health Services Council to keep a close eye on the developments in
the Service.

The first of 3 parallel divisions consisted of hospitals
divided into 15 regions (figure for England and Wales). Each region
had one teaching hospital to which unusual or complicated medical
cases were referred. Each hospital region was administratively
topped off by Regional Hospital Boards. Members of these boards were
appointed jointly by the health minister and influential members of
the medical profession. These members of the boards were non-salaried
but still carried many important functions such as to provide
the minister with an annual budget for the "distribution, delivery
and costs of hospital based services."[56] It was also the responsibility
of these boards to hire all medical personnel.

There were approximately 300 Hospital Management Committees
under these boards. These committees were concerned with the daily
operation of hospitals and were to report directly to their regional
Hospital Boards.

TABLE 1:

THE NATIONAL HEALTH SERVICE 1948-1974 *
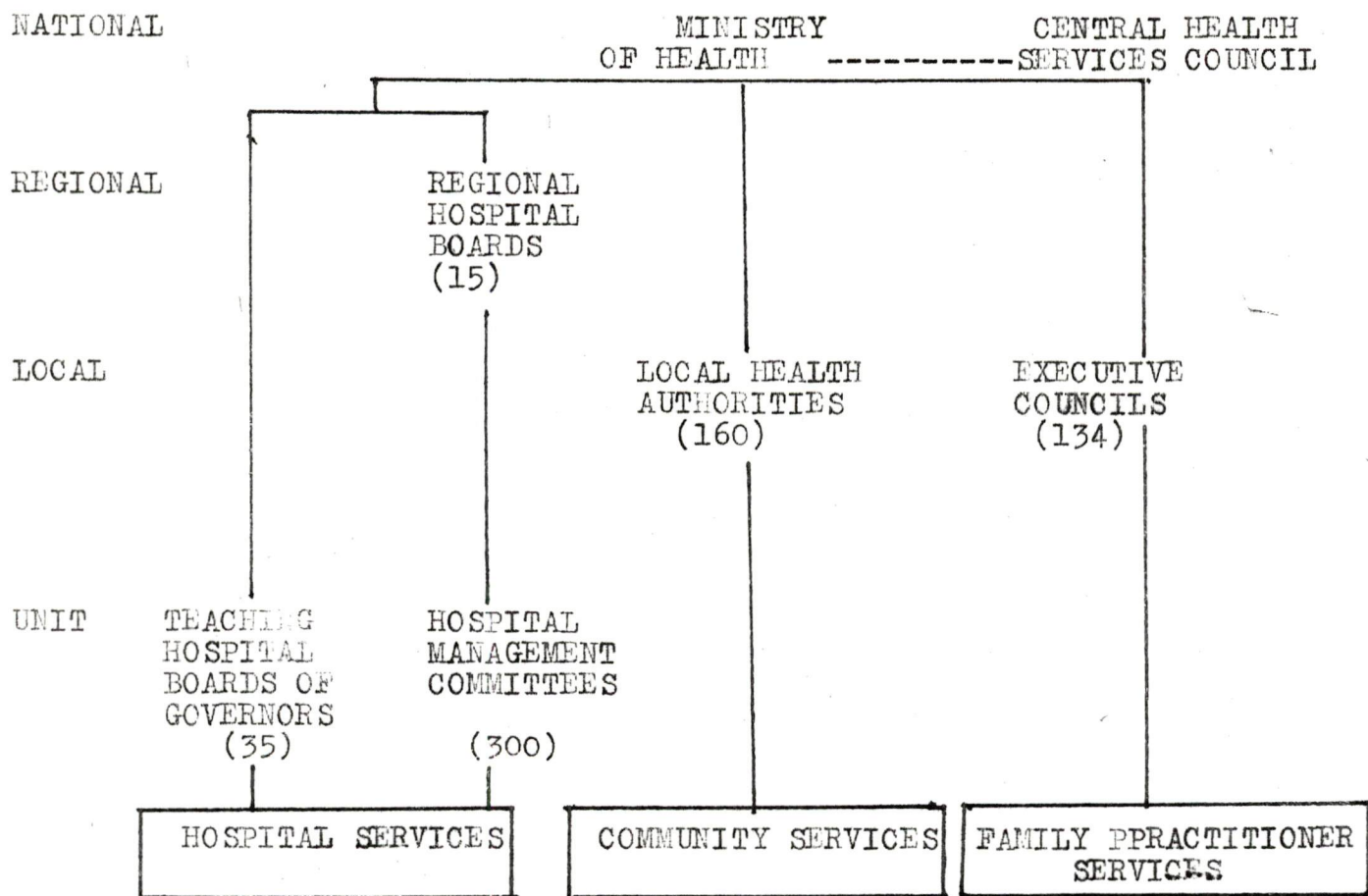
NATIONAL   MINISTRY   CENTRAL HEALTH
                                     OF HEALTH ------------SERVICES COUNCIL

REGIONAL   REGIONAL
                         HOSPITAL
                         BOARDS
                         (15)

LOCAL   LOCAL HEALTH   EXECUTIVE
                           AUTHORITIES   COUNCILS
                           (160)   (134)

UNIT   TEACHING   HOSPITAL
               HOSPITAL   MANAGEMENT
               BOARDS OF   COMMITTEES
               GOVERNORS
               (35)   (300)

| HOSPITAL SERVICES | COMMUNITY SERVICES | FAMILY PPRACTITIONER SERVICES |

* Source: Ruth Levitt, The Reorganized National Health Service
(New York: Holmes & Meier Publishers Inc., 1976) p.18.

The second parallel division was composed by the Executive Councils (approximately 134 in England and Wales). It was the responsibility of these units to contract and pay general practitioners and dental and pharmaceutical services. Thus, these councils had jurisdiction over the above mentioned three sectors of the medical service.

The third parallel division included the Local Health Authorities (approximately 60 in England and Wales) which depended on local taxes for their funding. These three parallel divisions then had their own separate budgets and thus did not consult with each other with regard to any improvements which may have been brought to the NHS. The Minister himself, feeling that since each division had their own boards, did not encourage collective efforts and cohesiveness. In essence then there was no consultation or coordination among the three parallel divisions. This tree-tier division then acted as a deterrent to any efforts which stressed integration or over-all planning of the total services:

> ...the weakness of the NHS (was) its division into
> three parts operated by three sets of bodies having
> no organic connection with each other; their
> separate funding from central and local government
> sources underlined the weakness. The divisions caused
> preventive medicine, general practice, and hospital
> practice to overlap, while the predominance of the
> hospital service had the effect of pushing general
> practice and social medicine into the background.[57]

Recognizing the constraints caused by its structural organization, the NHS, after several studies, was finally restructured in 1974. (Please see Table 1 for the 1948-1974 structural organization of the NHS).

(B) RESTRUCTURED NHS 1974-PRESENT

The present structure finds the Secretary of State for Social Security as the highest authority in the English health service. He/She is

responsible to Parliament.[58]   The Secretary of State is aided by several
civil servants and junior ministers of the Department of Health and
Social Security.   These aides delegate many responsibilities to the
next level in the hierarchy the Regional Health Authorities (RHA) of
which there are 14.   The RHAs are the successors of the old Regional
Hospital Boards.   The RHAs delegate most of the detailed responsibilities
to the next level - the Area Health Authorities (AHA) of which there
are 90 in England.   The AHAs handle the day-to-day affairs while the RHAs
concern themselves mainly with planning and supervisory work.   The
boundaries of the AHAs correspond to those of the counties and metro-
politain cities thereby facilitating and realizing cooperation between
local and health authorities thus elminating one of the weaknesses
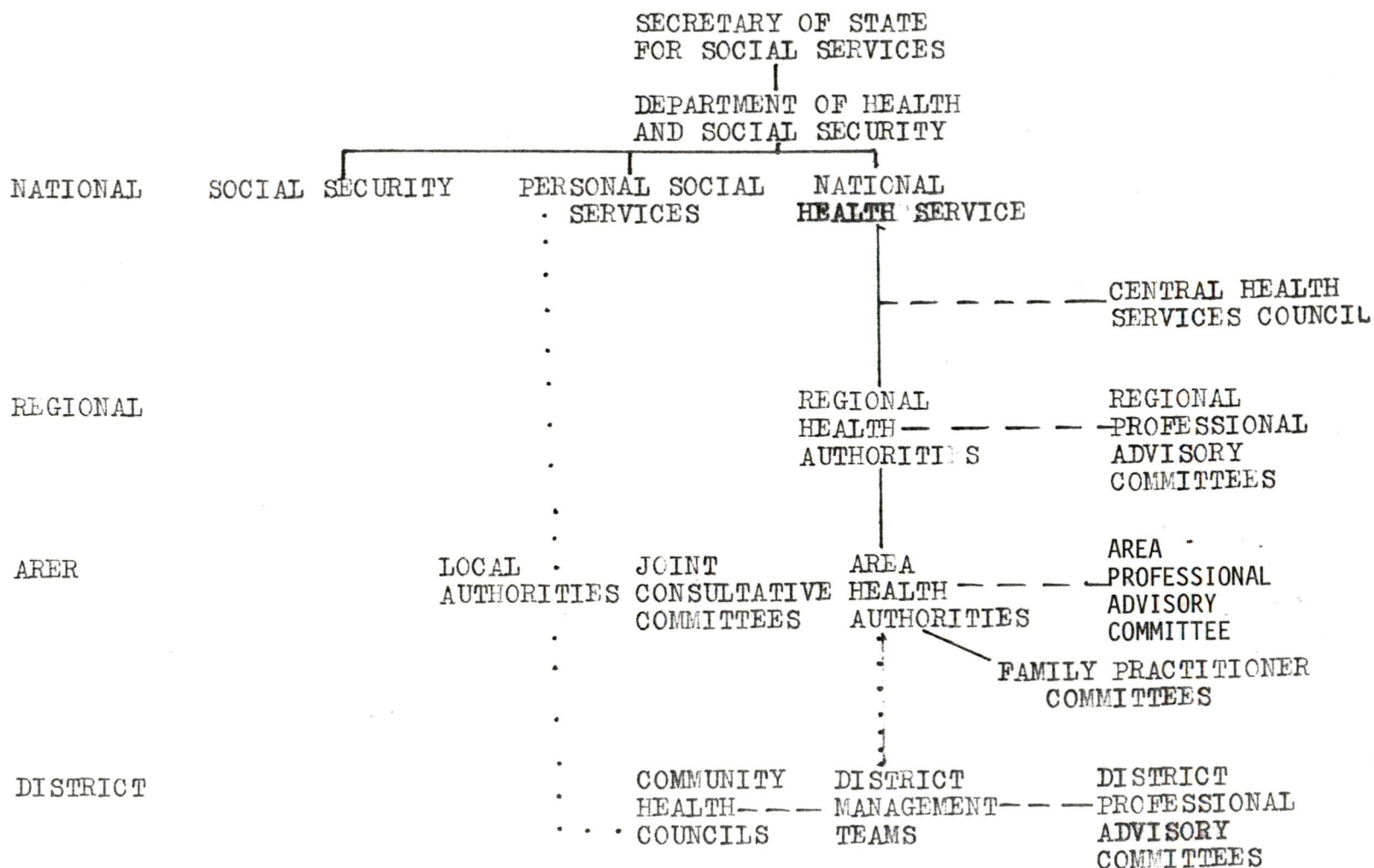which existed in the old structure.

Other major bodies in the new NHS hierarchy include administrative
units in the health districts (205 in England) which are administered
by District Management Teams on behalf of the AHAs.   These District
Management Teams basically inherited the responsibilities of the old
Hospital Management Committees and local authority health departments.[59]

The patient's role in all this is quite simple.   He chooses
the general practitioner he wants and has his name put on that doctor's
list.[60]   From then on, he and his family are treated by the chosen
doctor.   However, should the patient decide to change doctor, he may do
so without restriction.   All in all then the patient is free to choose
as he pleases.

As to the question of funding, 85% of the total budget comes
from general tax revenues of which most come from personal income taxes.[61]
The remaining 15% comes from a variety of other miscellaneous sources.

To reiterate then, the major new feature of the NHS is the exist-
ence of a strong regional authority which is responsible for planning,

TABLE 2

THE RESTRUCTURED NHS 1974- PRESENT


```
                        SECRETARY OF STATE
                        FOR SOCIAL SERVICES
                              |
                        DEPARTMENT OF HEALTH
                        AND SOCIAL SECURITY

NATIONAL    SOCIAL SECURITY    PERSONAL SOCIAL    NATIONAL
                                  SERVICES        HEALTH SERVICE
                                                                      CENTRAL HEALTH
                                                                      SERVICES COUNCIL

REGIONAL                                          REGIONAL            REGIONAL
                                                  HEALTH - - - -      PROFESSIONAL
                                                  AUTHORITIES         ADVISORY
                                                                      COMMITTEES

ARER                      LOCAL      JOINT         AREA               AREA
                          AUTHORITIES CONSULTATIVE HEALTH - - -       PROFESSIONAL
                                     COMMITTEES    AUTHORITIES        ADVISORY
                                                                      COMMITTEE
                                                      FAMILY PRACTITIONER
                                                         COMMITTEES

DISTRICT                             COMMUNITY     DISTRICT           DISTRICT
                                     HEALTH- - -   MANAGEMENT- - -    PROFESSIONAL
                                     COUNCILS      TEAMS              ADVISORY
                                                                      COMMITTEES
```

--- Consultation/Advice
... Other
___ Accountability

Source: Ruth Levitt, The Reorganized National Health Service (New York: Holmes &
       Meier Publishers Inc., 1976) p.25.

financing and building, with power to direct the Area Authorities.[62] The AHAs with their boundaries coinciding with those of the counties and metropolitain districts have helped to establish coordination and collaboration between local and health planning. This improvement has helped to rectify the disjointed authority and coordination of the old structure. It would seem at last that government and professionals are working side by side so as to bring about much improved medical technology instead of stepping on each others administrative toes. Finally, the NHS is the most administratively comprehensive health system in the world today. (Please see table 2 for a diagram of the restructured NHS).

THE MARBLE CAKE AND THE CANADIAN MEDICARE SYSTEM

Before documenting the particularities which led to Canada's national Medicare Plan, let us for a moment look at the political climate from which this historic achievement emerged. To begin, one cannot ignore the long-term commitment of the Liberal party to health insurance which was one of the party's major campaign promises as early as 1919. It seems that the Liberal party was simply waiting for the right political circumstances before finally giving birth to their national medical care plan.

Finally, the Liberal party's committment to health insurance was buttressed by certain progressive individuals elected in the 1963 election. Prominent among these progressive personalities was Judy LaMarsh, appointed as Minister of the National Health and Welfare department.[63] Miss LaMarsh was given the green light by Prime Minister Lester B. Pearson when he indicated that if she could persuade the Minister of Finance, Mr. Walter Gordon, that a medical care program was economically feasible, then she should by all means begin the necessary procedures required to realize this social welfare project.

An additional influential factor which culminated in the medicare plan was the Report of the Royal Commission on Health Services in 1964 (which shall be more extensively analyzed further on in this section) The Report brilliantly documented, in its "Health Charter for Canadians", the reasons why immediate action by the government to establish a comprehensive health program should take place.

Another decisive factor was the recently created Saskatchewan medical care program in 1962 under the auspices of the CCF government. For the first time in any province, a universal, tax-supported medical care insurance plan under public authority had been enacted. This provincial initiative served as a national example and as the blueprint for a national program. The New Democratic Party pressured the federal government to take note of this. While the NDP would admit, that the Saskastchewan program met with tremendous opposition, it also drew attention to the drive and determination of the CCF government to achieve social justice which overcame the misdirected and selfish opposition particularly of the medical profession. Statements such as the above proved to be successful ammunition for the NDP in its campaign to raise voter consciousness to the need for social reform.

The diplomatic talents of Prime Minister Pearson, whose proven record in negotiating successful agreements on numerous controversial and contentious issues, should also not be ignored in this process. Pearson's basic committment to the concept of a national medicare program proved to be an additional favorable factor behind the emergence of a national health plan.

And so the canvas onto which the painting was to develop was ready. We now had the political party which had, throughout its history, continually supported a medical care plan. This party was further reinforced by the favorable commitment to such a plan by its leaders and various

members of the party as well. The needs and the goals of a national plan had been mapped out by the appointed Royal Commission. And we had, as a living example proving the feasibility of a uniform plan embodied in the provincial plan of the Saskatchewan government.

In short then, we now had the leadership, pressing needs, defined goals, a blueprint and the right amount of pressure being applied by the NDP. And so the ingredients were now all there. It was time for the final product to emerge.

We have now looked at the generalities. Let us now concentrate on the particular ingredients one by one so as to better understand how they all came together to culminate in our national medicare program. First we must look at the very powerful role of the Canadian Medical Association (CMA) and the insurance industry of Canada. It is crucial to understand that without the cooperation of the CMA, a national medicare program could never have been successfully realized.[64] When the 1945 proposals of the Green Book, which the CMA had supported were refused by the provinces, the CMA took it upon itself to sponsor and initiate a number of prepayment plans. The CMA still supported health insurance in principle, however, now it wished to see a plan whereby the government's role would be limited to subsidizing the premiums of those persons who could not afford payment to voluntary agencies.[65]

When the CMA witnessed the enactment of the wholly government dominated plan in Saskatchewan, it became very protective of its own prepayment plans. With the hopes of influencing the federal government to adopt a point of view similar to their own, the CMA approached the Diefenbaker government in 1960 with the request that a committee be established to analyze all questions related with the subject of health insurance for Canada.[66] Prime Minister Diefenbaker acquiesced and on December 21, 1960, a Royal Commission was appointed to study the question.

While the Commission's study was going on, the CMA consolidated
its power through its provincial divisions, giving full support to
pre-payment plans by developing a national coordinating body known as the
Trans Canada Medical Plans. [67] The CMA's hope was that the Commission
would come out in support of the pre-payment plans once it could see
for itself how feasible those plans were. Thus the CMA proposed that
the provincial governments enter into "a 'federal' relationship with
a newly created organization (TCMP) having a national thrust."[68]
Controlling the TCMP Plans was to be the CMA.

Meanwhile, the insurance industry was also fast consolidating
its position. Paralleling the TCMP Plans independently introduced by
the CMA, the insurance industry also formed a national organization
named the Canadian Health Insurance Association (CHIA)[69] The CHIA had
no contractual obligations on doctors as was the case with the TCMP
Plans. Finally, sensing that they had the same objective, to keep
government from introducing a universal compulsory medicare insurance,
and fearing that intense rivalry between them might obviate from this
objective, the CMA through the TCMP Plans and the CHIA joined forced
in 1960.

Equating compulsory medical care insurance with socialism, the
newly created alliance proposed that the government's role should be limited
to but two responsibilities:

   (1) to pay the full cost of medical services for those
       on welfare and

   (2) to subsidize medical costs of people whose incomes
       (based on their income tax returns) fell below a
       pre-determined poverty line.[70]

Three provinces responded favorably to the TCMP*CHIA proposals.
Alberta, B.C., and Ontario all took steps to a subsidize part or all
of the costs of the population's poor risks leaving the vast majority
which could afford voluntary insurance to make their own payments.

Finally, on June 19, 1964 after much delay, the Royal Commission finally released its much awaited report. The report was unanimously supported by the commission's 6 members and Chairman, Emmet M. Hall. The Hall Commission stated its objectives in the following recommendation:

> ...that as a nation we (must now take the necessary legislative, organizational and financial decisions to make all the fruits of health sciences available to all our residents without hindrance of any kind.[71]

The Commission further advised that a "Health Charter" which it had drafted be the core of Canada's national policy in the area of health insurance. Essentially, the Charter recapitulated the Commission's objective for a comprehensive, universal health services programme for the national population. The commission furthur urged that a federal/provincial health conference be called within 6 months.[72]

Regarding the constitutional stumbling block which accords the provinces the right to legislate in medical matters, the Hall Commission suggested this problem could be overcome only if the federal government stopped insisting that the provinces abide by a rigid program. To qualify for federal subsidies, the Report suggested that the provinces must agree to provide universal coverage without regard for the question of "ability to pay". [73] To this end, the Commission clearly stated:

> That the health insurance fund in each province should be administered by one agency in order to achieve full integration in effective planning of all health services, and thus to obtain the most efficient administration of all sectors of the proposed health services program. We have recommend that the existing hospital insurance program be administered by the same agency in each province as administers all personal health services. This necessarily means rejection of any proposal that the one phase of health services, namely payment of physician's services be administered by a separate agency.[74]

The above mentioned recommendation by the commission delivered a deathblow to the CMA's proposal of subsidization policy. The CMA's wish

that the Commission would adopt the CMA plank simply because it was specif-
ically the CMA which had requested their appointment had not materialized.
The Commission had proposed precisely the recommendations the CMA had
hoped would be discredited. MG. Taylor summarizes the Commission's
effect on the CMA's ideology:

> The report of the RCHS was a major challenge to the
> profession's policy of maintaining control of the
> distribution system of medical services. The Commission's
> questioning of the underlying principle of means
> testing those who could not afford the premiums of
> voluntary plans as being both inherently undemocratic,
> and administratively inefficient, was an attack on
> what had become an article of faith for the profession
> within the doctrines of individual freedom and the
> free enterprise system.[75]

However, while the CMA and the CHIA vehemently opposed the
Commission's recommendations, the two largest union organizations
representing consumers rejected the CMA*CHIA subsidization proposals.
The Canadian Labor Congress fully supported the Commission's proposals
accusing the CMA of attempting to create a monopoly of health
services and that this was wholly against the public's interest. In
short, the CLC fully backed a universal system which was comprehensive
in coverage.[76]

The second labor organization, the Canadian Federation of
Agriculture (CFA) also fully supported the Hall Commission's
recommendations with the following colorful statement:

> We may confidently say that (we) do not see what is
> wrong with the injection into this great vital area
> of service - that is, medical care - an element of
> public responsibility not only for ensuring universal
> coverage, but for how the job is done and how much
> is paid to have it done. The view that involvement of
> the state is destructive of the freedom of the medi-
> cal profession, and an ultimate to its professional
> integrity, seems to us to be a really cynical one. It
> assumes a degree of irresponsibility on the part of
> the public and a crassness of motivation on the part
> of the medical profession that does not seem to our
> people to be acceptable.[77]

In addition to the CMA-CHIA rejection of the CLC, CFA support, the government had to take into consideration the most important element of all - the provinces. Quebec had more than once let it be known that it would not stand for federal intervention in what was a provincial jurisdictional area. But, Quebec was not the only opponent - the federal government had to be ready to deal with nine other provinces of different temperament, needs, and political responsibilities to their people. Hence paramount to any lobbying and demands from the different interest groups, was the constraint that federalism itself imposed in the struggle toward a national medical care system. M.G. Taylor refers to the above mentioned problem in the following manner:

> ...to all the normal problems created by competing demands and pressures of interest groups, there are added the political realities of the different policy positions of the ten provincial governments... these differences...in the changing political environment of the sixties, required negotiations between near equals "akin to those of effective international diplomacy".[78]

The diplomatically astute Prime Minister Pearson very quickly realized that if any national medicare plan was to be adopted,the federal government must abstain from applying any stringent demands on the jurisdictional powers of the provinces. Hence, the Prime Minister ordered that an intensive study of shared-cost program feasibility begin taking into account the very real constitutional constraints.

It was clear that the Health Insurance proposals of 1945 which called for complete federal controls would now more than ever not be acceptable to the more autonomously-oriented provinces. Hence, the appointed commission emerged with the proposal that if a province guaranteed but 4 principles: that is, a comprehensive, universal, publicly administered and portable medical care policy, then that province would become entitled to a federal subsidy based on the national per capita

figure. In essence then, the federal government was recommending not
a "national" program per se but 10 provincial programs which would
culminate in a national program by virtue of uniform nationwide
standards.[79]

Hence, the federal government attempted to allow the provinces
to exercise their constitutional powers while at the same time making
it possible for poorer provinces to institute programs they could
not have otherwise afforded- all this through shared-cost programs.

On June 9, 1965, the CMA, the Prime Minister, and the health
and finance ministers met in a general conference. Here the CMA
once again voiced its opposition to a compulsory program opting for
a voluntary program with government subsidies allowed for the welfare
and destitute case or rather, the "poor risks". On June 19, 1965,
at a federal/provincial conference, the Prime Minister pitched his
proposal based on the 4 required principles of uniformity to the
provinces. Quebec immediately rejected the federal government's
proposal by curtly stating that:

> When our plan (health plan) is introduced, it will
> be operated outside any joint federal/provincial
> program in line with our general policy of opting
> out in all areas within our competence. Quebec's
> decision in this matter rests on the acceptance of
> our obligations to our citizens and on the necessity
> to exercise our rights.[80]

New Brunswick realistically declared that it favored the
federal proposal simply out of financial need. Manitoba and Alberta,
however,declared that they favored a government funded program
solely for those who could not afford the voluntary programs.
Saskatchewan, with its own program already in operation, was of
course delighted at the prospect of receiving federal subsidies.

However, the election called for November, 1965 by Prime
Minister Pearson temporarily halted further discussions on the subject.
Meanwhile, in September 1965, B.C. unveiled its own health insurance
program closely based on the CMA*CHIA formula.[81]   Ontario followed suit
with a similar plan on January 28, 1966.[82]

Thus, since the inconclusive federal/provincial conference
of June 1965, several provinces proceeded to unveil provincial programs
favoring the CMA*CHIA proposal to that of the government.   The government
knew that it had to act fast.   In a symbolic gesture, Prime Minister
Pearson promised that the medical care plan would be instated on July 1, 1967
coinciding with Canada's Centennial.   Mr. Pearson however could not have
predicted that the newly-appointed finance minister, Mitchell Sharp would
shortshrift his dream.   Mr. Sharp opposed a comprehensive national medi-
care program leaning more towards a voluntary plan with the government
subsidizing only the poor risks. Hence, Mr. Sharp, declaring that it
was not as yet economically feasible to launch such a costly program
as medical care, proposed that the assigned date be postponed to
July, 1968 from July, 1967. This declaration created a rift in the cabinet.
Members like LaMarsh, Walter Gordon, Jean Marchand, Georges Pelletier,
Pierre Trudeau and Herb Gray, all supporting a quick passage of a
national medical care program demanded that a caucus meeting be called
to reinstate the July, 1967 date.   In the end, however, hoping to dampen
any further tensions or rifts on the question, its was wisely
decided that perhaps time alone would bring consensus.   Thus, the caucus
agreed that a bill be passed no later than July, 1968.

Finally, it was strongly emphasized that the July 1968 date
was by no means a deadline in the sense that all provinces had to
enter the plan on that date.   Provinces could enter anytime of course,
providing that they introduced and upheld the 4 required principles
necessary for government subsidy.

At long last, after much debate, endless deliberations, trying negotiations and heated cabinet discussions, Lester B. Pearson finally succeeded in securing, in the House of Commons, an affirmative vote of 177 ayes to two nays for the inauguration of a national medicare program effective July, 1968. Finally, the Liberal Party had achieved its 1919 election promise. How ? By allowing the provincial governments the decision or option of either entering the program or not. A negative decision by any one province would not hamper the rest of the willing provinces from entering the program and thus receiving subsidies Hence, this strategy allowed the poorer provinces the possibility of introducing a medical care program without committing financial suicide. However, by 1972, the 10 provinces including the Yukon and the North West Territories had all entered the national medicare program.

On the inaugural date of July, 1968 only Saskatchewan and B.C. qualified for federal subsidies; Newfoundland, Nova Scotia, Manitoba, Alberta and Ontario entered in 1969;Quebec and Prince Edward Island followed in 1970 with New Brunswick and NWT in 1971 and finally the Yukon joined in 1972.[83] It was thus that ten provincial programs with portable benefits finally culminated into a national medical care program.

COMPARISONS AND CONCLUSION

Canada and England's medical care systems were triggered by many similar circumstances and events. Both countries were ravaged by the depression of the 1930's making it painfully apparent to both governments and respective populations how unprotected and helpless they were against any unfavorable socially and economically trying situation and conditions as war and the depression. Hence, public opinion began to demand protection and guarantees against ever having to personally endure similar conditions such as those endured during

the depression. Then entered WWII and all had to be suspended in favor
of complete and undivided attention being devoted toward the struggle
for victory. One of the immediate conditions brought on by the war
was higher public expenditures - that is, higher taxes. These the
two populations endured silently first out of an understanding
that a successful war necessitates extremely high public expenditure
and secondly, out of anticipation for social reforms promised to them
by their governments in the post-war period.

After having suffered through the depression, six years of
war with high taxation levels, the people of both nations
were ready to collect on their governments promises for reformist policies.
And, the two respective governments realized, it was not only the lower
classes who were clamoring for much needed social reforms but the middle
classes- better referred to in political circles as the decisive
voting bloc. Hence, governments in general and the British Labour and
Canadian Liberal parties in particular quickly realized that concrete action
had to be taken. With this firm realization, the two above mentioned
parties proceeded to make comprehensive medical care one of the primary
objectives. But here the similarities between the two nations end.

It must be apparent to the reader that I have omitted to
include a structural analysis of the Canadian medicare system. I was
compelled to omit a structural analysis simply because such a task
would be beyond the scope of this paper. Let it be recalled that
the only reason provinces agreed to a national medicare system was because
the federal government did not insist on a uniform "national" system.
Rather, emphasis was placed on 10 provincial systems which together
would guarantee uniformity thus culminating in a national system.
Hence, if I were to attempt to analyze the structural organization of
medicare in Canada, I would in fact be compelled to analyze 10 separate pro-
vincial systems. Herein lies the major difference between the English
National Health Service and the Canadian Medicare system.

In the National Health Service all authority is derived from
the Ministry of Health and Social Security. This department then delegates
power to several other oganizations. However, supreme authority lies
in the Secretary of State for Social Services. He/She has the final word
on all matters concerning the National Health Service and local governments
are coerced to abide by any decisions made by the national level. Hence,
in England, all authority and power is concentrated and the structures
of the NHS emphasize this very centralized system.

Let it be recalled that in Canada, power to legislate in
medical matters is under provincial jurisdiction. Hence, any federal
initiative in this area would be an encroachment on provincial power.
Thus, for any consensus to materialize the federal government would
only wish that intense negotiations would succeed in bringing about
provincial agreement on a nationally oriented system.

In short, the major factor which determined the type of
medical care system adopted by both countries was directly related
to their differing governmental systems. Canada's task was
tantamount to that of autonomous governments negotiating the terms
of a multi-lateral treaty. The federal government had to defer to
provincial autonomy while simultaneously appeasing the many vocal interest
groups who objected to a national and compulsory scheme. England,on
the other hand,had but to appease the interest groups. Without a doubt,
Canada faced many obstacles in its struggle towards achieving a medical
care system which England did not have to concern herself with. However,
Canada overcame these problems and obstacles through intense negotiations
and alert diplomatic skills proving that any aim can be achieved if
the desire to succeed is there.

Through using England and Canada as examples then it should be
achnowledged that no one should have to fear the financial repercussions
of illness if our governments are socially aware. Let the English and
Canadian medical care systems be used as examples to the world. The right
to health is the right to life.

FOOTNOTES

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3. Morris Janowitz, <u>Social Control of the Welfare State</u> (New York: Elsevier Scientific Publishing Company, Inc., 1976) p.36.

4. M.G. Taylor, op.cit., p.2

5. Morris Janowitz, op.cit., p.37.

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7. Odin Anderson, <u>Health Care:Can There be Equity? The United States, Sweden and England</u> (New York:John Wiley & Sons, 1972) p.44.

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13. Ibid., p.48.

14. A.J.Heidenheimer et al, <u>Comparative Public Policy</u> (New York: St. Martin's Press, 1975) p.15.

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18. Ibid., p.58.

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22. James Stirling Ross, op.cit., p.42.

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24. M.G. Taylor, op.cit., p.4.

25. British North America Act, Article 92, Section 7.

26. M.G. Taylor, op.cit., p.13.

27. Ibid., p.6.

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29. Ibid., p.16.

30 Ibid., p.16.

31. Ibid., p.17.

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63. M.G. Taylor, op.cit., p.353.

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SOCIAL REALITY; LANGUAGE AND POLITICAL SCIENCE

DOMENIC V.H.E. MONTEFERRANTE

> Human beings do not live in the objective world alone,
> nor alone in the world of social acitivity as ordinarily
> understood, but are very much at the mercy of the
> particular language which has become the medium
> expression for their society. It is quite an illusion
> to imagine that one adjusts to reality essentially
> without the use of language and that language is
> merely an incidental means of solving specific problems
> of communication or reflection. The fact of the matter
> is that the "real world" is to a large extent unconsciously
> built up on the language habits of the group... We see
> and hear and otherwise experience very largely as we do
> because the language habits of our community predispose
> certain choices of interpretation.

— Edward Sapir

INTRODUCTION

Contemporary political science is in a state of crisis. It has been unable to deal adequately with the important and fundamental questions of politics.[1] Models, new terms and theories have all been constructed to provide politics with a type of scientific authenticity, yet they all have consistently failed to give the political scientist a true comprehension of what constitutes political reality.

The failure begins with the attempt by many political scientists to have an "objective" and "detached" relationship with social reality as the natural scientists have with physical reality. This simply cannot

be done for each reality is discovered, known and understood in different ways. The natural scientist can explore the nature of chemistry and physics for his "will" to discover and understand lies "outside the kind of casual chains' it obeys the laws of chemistry and physics like any object. But his 'will' - the sources of the 'purposes' and 'ends' which can be furthered by a knowledge of chemistry and phsics - that is 'outside the system', the unmoved mover."[2] However, the will or the sense of purpose of the political and social scientist cannot lie on the "outside" when in pursuit for a theory or law of all human behavior because his will and behavior are part of the examination process. Consequently, "natural science objectivity" becomes impossible. The social and political scientist cannot use the same methods and criteria to discover and understand social reality as does the natural scientist for they are both dealing with two types of reality.

But the question has still remained: how does one get to know social reality? Wittgensteinian philosophers believe the answer lies with the understanding of ordinary language. Language is considered the main communication medium of any human society. It plays a central role in every society as it affects and develops the human thought process, human knowledge and the understanding of human social reality. Thus language can be considered a key element that can help the political scientist fully comprehend what is the political and help him deal with the important questions of politics.

The purpose of this essay is to examine the merits of Wittgensteinian philosophy for political science. Initially the essay will briefly describe the behavioral view of language. Then it will examine the Wittgensteinian philosophy and show how it challenges the behavioral view. Finally, the essay will discuss what the philosophy means for political science and how it can give a better understanding of what political reality is.

THE CONVENTIONAL VIEW OF LANGUAGE IN THE SOCIAL SCIENCES

The social and political behaviorists view language as a
communication code with words being symbols for objects and reality.
Language is considered simply as a system or model that represents
reality. It is through language that one can make a proposition,
statement or allegation about reality. A proposition is like a blueprint,
map or picture where its various parts (i.e. words) correspond to various
things found in the world. "Each word is the name of a thing, and the
proposition relates them to each other in a certain pattern, thereby
purporting to say something true about reality."[3] The behaviorists believe
that social reality exists prior to the adoption or creation of words
used to describe, analyse or explain it. This is, words or language are
seen as operational definitions of reality and the creation of this
code is viewed as being a technical or inventor's problem.[4]

For the behaviorists words are arbitrarily created units
whose purpose is to stand for specific concepts. They provide a conceptual
framework for understanding social reality. The "inventor" must select
or form a word that precisely reflects reality and achieves a status of
universality and consistency. However, the definition of the concept
must be divorced of any evaluative or ethical content. It must distinguish
itself as "what is" rather than "what ought to be." It must represent
fact rather than value just as the terms in the natural sciences do.
The social theorists's language must be free from corruption and mis-
interpretation and must be sophisticated: if

> "naming" a conception...is the origin of all our
> words, understanding consists in having in our minds
> the right conceptions for names, or in "figuring"
> our the true meaning of names, the conceptions of
> which they are the "signs". But common speech is
> ambiguous, not to say inaccurate and misleading.
> It is necessary to penetrate beneath the ambiguity
> of vulgar and ordinary language, to cut away its
> vagueness and sloppiness and get at the conceptions
> themselves.[5]

Modern social scientists do not wish to use common language to explain phenomena. They fear it carries with it too much cultural and ethical "baggage" to have any true and universal meaning. They believe more confusion than clarity would develop by the employment of ordinary language in their work. By the construction of a new "scientific" language the social scientists believe they can neutralize words and have them represent the pure concepts that are under their study.

Under this notion of language the various fields of the social sciences have created numerous words that are supposed to reflect social reality. For example, in behavioral psychology it is believed that human conduct can be adequately accounted for only in such terms as "stimulus", "response", "re-inforcement", and "operant conditioning."[6] The "word-concepts" like "love" and "hate" are considered to be too value ladden and scientifically unclear, hence psychology redefines them as "positive" and "negative" responses to some sort of stimuli. All mode of human behavior becomes reduced to such terms. In fact, for a psychologist like B.F. Skinner, all human conduct is based on the concept of "positive reinforcement". Thus, the adoption and creation of words and language has become a central element in making the social sciences appear more scientific.

In the field of political science the use of common language in the formation of political theory has also been neglected. The political behaviorists have created political theories that use terms that are not part of the normal, common, political parlance of any society. In this way they believe that scientific universality and objectivity can be maximized and the possibility for the terms to reflect value judgments are reduced. For example, the Systems Theory of David Easton employs terms like "political system", "environment", "response mechanisms", "feedback", "input", and "output", that are all supposed to stand for or symbolize particular phenomena. They are all considered to be value-free terms which allow for true scientific interpretation of politics. In the Eastonian model there is no place

for concepts like "justice" or "public interest" because that would force
the political scientist to participate and involve himself in an ethical
judgment of what those concepts mean and where they would be ranked on
the list of priorities of a political society. A true political behaviorist
is supposed to only explain and describe political phenomena, he cannot
advise on "what ought to be". Thus for the political behaviorist the
creation of "neutral" language, terms and words, which are divested of
common language meaning, are considered the best method to approach
and define political concepts and reality.

For the behaviorists language is seen simply as a tool to
explain discovered realities. Words are simply used to denote concepts
or phenomena that the social scientist believes exist out there in the
field and thinks are important (eg. "positive reinforcement", "feedback").
The word follows the discovery of fact and the meaning of the word comes
from the phenomenon it is supposed to represent.

The utility of this type of language is considered to be
that it reduce many social elements into as few word-concepts as
possible. This facilitates the study of the social or political scientist
and allows the creation of general theories based on this reduced
description of phenomena. For example, Easton categorizes numerous
social elements like voting, adherence to law, protests, and interest
group pressure as "inputs" to a political system. What this means
is that the word-concept "input" is considered to be representative of
all those social phenomena. This "reductionism" is considered by many
behaviorists as being one of the first steps needed to understand
social reality and develop a universal social theory to explain it.
Most contemporary social and political scientists operate under this
conventional view of language. They reason that the natural sciences have
been successful under this method thus consequently they should be also.
However the ordinary-language school of thought believes that social
reality is not completely understood by this view of language.

THE PHILOSOPHY OF ORDINARY LANGUAGE

The Wittgensteinian philosophy challenges the behavioral notion of language and believes that language does in fact influence the creation, perception and interpetation of social reality. The philosophy purports that the language medium is responsible for the structuring of reality and that words are not mere symbols of a concept. The view "that there is world of facts as opposed to a world of words which describe these facts" is considered to be vastly oversimplified and misleading.[7] Language is seen as a central factor in the discovery and understanding of reality.

In regards to physical reality, language forms its perception and understanding. Through its use, language helps shape and describe phenomena. Yet what is described and how it is described is based on personal judgment and on the expressions available in the language of the community. Without doubt one physical reality exists, but how it is discovered, appreciated the comprehended is through language. Consequently, without a word or a set of terms to interpret a phenomena precisely, the phenomena is simply not completely understood or seen clearly.

For example, suppose there exists a society (A) whose members count only "one, two, three, a few, many." Now suppose a member of this society saw a flock of birds and described them as "a few" birds, while a member of another society (B) saw the same flock and described them as "five" birds. Did both individuals see the same fact? The answer is no for each language made each individual perceive a different phenomena.[8] The language of society A was not fully equipped and developed to describe the flock of birds as precisely as society B. The latter language had the capability to focus in one a more exact meaning and description of reality. One reality existed in the scenario but it was seen two different ways. Two different "facts" were present.[9]

This view of language however is not considered by some to sufficiently question or alter the conventional understanding of language. It is argued that if the two individuals were allowed to communicate and discuss the phenomena they both witnessed, then, the individual from society A would eventually be made aware of the "fact" that five birds existed. Yet this development would not be a simple nor immediate one. It would require an alteration of the thought process and the nature of the language found in society A. Concepts and language would have to change simultaneously in order to accomodate a more exact meaning and description of physical reality. The point made by the ordinary language philosophers is that the nature of a language does not create physical reality but it does allow its users to be able to make finer distinctions about physical realities that other societies perhaps cannot.

The power of language, contend the ordinary language philosophers, becomes even more evident when sociological and political matters are examined (i.e. social and political actions, relationships, feelings, practices and institutions) They assert that Language actually constitutes social reality. They argue that because different cultures have different inventories of words and different rules of grammar and syntax, subtle but still different social realities will exist. For example. European languages do not have an exact translation of the English word"fair". What is used in its place is the word "just". Yet for an English speaker there does exist a distinction between the two words, a distinction the becomes lost to the continental European. The word "fair" carries with it a notion of equity, honor and courtesy that the word "just" does not. For its part, "just" carries with it a sense of what is correct, exact, precise and legal that the world "fair" does not. For example, one can make the "just" decision on a certain matter but not necessarily the "fair" one. The distinction is a fine one but one that is there nonetheless and impossible for the continental European to completely understand, appreciate and exploit in the course of his living. That is, because his language is silent in this area, the continental European cannot speak of, act on, or experience the notions of "fair-play"

and "fairness" as fully as an English person can. This part of life is lost to the continental European. It is in fact not part of his social reality. Moreover, the English person can actually perform and speak of a "fair" situation because he has been able to conceptualize and categorize the social phenomena within his language. It is in this way that language can create and elaborate social realities for one society and not for another.

The positivist-behaviorist school does not support these views of language. It believes a fact or a social concept is there objectively, no matter in what way it is rendered meaningful by humans. It argues that humans perceive something that exists and then put into words. That is, something exists independent of and prior to language; language is only a symbol of that reality.[10]

Yet, the proponents of ordinary-language philosophy state that the way physical reality is seen - what is emphasized and what is disregarded-is the work of language. A term or a set of words must already exist in a language in order to help physical reality emerge, in the form of a "fact", from its position in the universe. The expressions, the grammar, the notions of thinghood, of causality and of number found in a language enables an individual to distinguish or "slice-up" his experiences "with the result that something which is initially part of a continuous field of experience is suddenly focused upon, selected out, and designated as a fact."[11] A fact is something that is noticed, and by being noticed it becomes a fact.[12] This is beyond an ability of simple perception per se, it is an ability to perceive and interpret a physical phenomena with the use of language. "In a language in which there is only the number series "one, two, three, a few, many', a fact such as "There are five birds' is imperceptible."[13] Language supplies society with the means of comprehending and categorizing; and different languages categorize differently.[14] It is not that a particular word must exist prior to the discovery of physical reality, but that the nature of the language must be such that it facilitates the discovery and understanding of physical reality.

With social reality language does not help "discover" social phenomena, but in essence helps create and compose it. A culture or a cohesive community, through its language, shapes and wills its own social relationships and institutions. Meaning is developed in language and human behavior is conducted according to these meanings. The ordinary-language philosophers would argue for example that the distinction that exists between the concepts of "fair" and "just" has allowed for the development of different attitudes, methods and conduct of justice and law in the English-speaking countries as compared to the continental European ones. In the English-speaking countries, where the social concept of "fair" exists, justice has been based on precedence, convention and on local and custom (i.e. common law). Judicial systems and institutions have been able to function on the principles of what is conceived and defined by the societies as being "fair". In contrast, the continental European countries, where only the social concept of "just" exists with its accent on what is precise, exact and legal, the code law system has predominated. Justice has been based on an adherence to a set of rules and provisions (e.g. Napoleonic Code). Judicial systems and institutions have operated on what has been considered by the societies as being "just" codes. Consequently, "it begins to seem that language can create objects, rather than just symbolize prexisting objects quite independent of our conceptualization." 15 This is, language, through its meaning and nature, can produce and form social realities.

But questions arise as to how the meaning of words and the nature of a language developed? For Wittgenstein language is learned and understood in the context of human activities. 16 Language and words develop their meaning and signficance through their use and application in particular circumstances within society. Wittgenstein believes language is shaped through speech and the human response to speech.17 Language is not used to reflect concepts, but to reflect specific human activities and their relation to what is understood by the society as being reality. Wittgenstein emphasizes the "function" of words rather than their "meaning". During an activity words are put into

use and develop their meaning in use. For example, the phrase
"he went there" has two totally different meanings when put as a
statement and then as a question. The meaning of the phrase is altered
in both instances. Because of the different contexts in which they are used,
the words collectively emit a different meaning. In short, words have
multiple uses. Consequently, for Wittgenstein, words do not reflect
concepts, rather they reflect tools to be used at different times for
different purposes.

Wittgenstein contests the notion of language held by the
positivists-behaviorists. The latter believe that words are mere symbols
for objects. Wittgenstein believes that words have a function and
are used for particular ends at certain times and places:

> It is like looking into the cabin of a locomotive,
> We see handles all looking more or less alike.
> (naturally since they are all supposed to be
> handled.) But one is the handle of a crank which
> can be moved continuously (it regulates the
> opening of a valve); another is the handle of
> a switch, which has only two effective positions,
> it is either off or on;a third is a handle of a
> brake-lever, the harder one pulls on it, the harder it
> brakes;a fourth, the handle of a pump: it has an
> effect only so long as it is moved to and fro.[18]

Each lever is connected to the whole mechanism in some way not obvious
to the observer unless he knows how to drive the locomotive. The use of
language can be understood the same way. To comprehend the meaning and
function of words one must be aware of all their various possible
connotations and their circumstances of use. It is a mistake to assume
that the only purpose of words is to symbolize. The claim made by the
positivist-behaviorists, that all words signify something, or are symbols
in a sort of communication code, is like insisting that all the handles

found in the locomotive operate the same way.[19] For Wittgenstein "language" is a coherent system, and what determines the meaning of a word is its position in that system, its relationship to other words. Meaning is determined by the word's distribution in language, the 'linguisitic environment' in which it occurs."[20]

What characterizes the contexts in which words are used is what Wittgenstein calls "language-games." Language-games are the various situations where humans learn to use words and get to understand their meaning. The language-game is "the whole, consisting of language and the actions into which it is woven."[21] Wittgenstein lists numerous" language-games":

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Giving order, and obeying them
Describing the appearance of an object, or giving its measurements
Constructing an object from a description (or drawing)
Reporting an event
Forming and casting a hypothesis
Presenting the results of an experiment in tables and diagrams
Making up a story  and reading it
Play-acting
Singing catches
Guessing riddles
Making a joke, telling it
Solving a problem and practical arithmatic
Translating from one language to another
Asking, thanking, cursing, greeting, praying.[22]
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These are all situations which are done by or with the use of language. Learning "a language means learning how to play many different language-games, in which words are used in different ways. The language games are a form of human action, or activity; they are something human beings do, and not just something used in the process of doing somthing else."[23] One begins to understand the meaning of words in language-games. "The meaning of words are connected to a part the words play in the various language-games, or activities in which they

occur. Understanding a word, is like understanding a lever in the cab of a locomotive: fully understanding it requires in a sense an understanding of the whole mechanism, that is, of what the mechanism is for."[24] To understand the meaning of words one must understand the language-game, that is, "what the human activity is, what is it for, and why it is played."[25] Words and terms have different meanings in different contexts. "To understand the full meaning of a word requires some grasp of all activities, the social wholes, in which the word plays a part."[26] For example, for a male to "make a pass" in a hockey game is different when he attempts to "make a pass" at a female.

Moreover, for Wittgenstein, what the positivist-behaviorists miss is the fact that language is speech and communication between individuals and not merely a systematic code of description. Language is something that is essentially human and is part of the nature of the community. That is,

> The claim that language is an activity brings out the
> fact that when human beings speak or use words they are doing
> something, and that speaking is part of human life. What
> distinguishes human action from mere motion, or the
> growth of a plant, is the fact that it is potentially,
> at least, a caring, valuing activity- activity which
> has meaning for human beings. The meaning of words can only
> be understood if we understand the purpose or ends of the
> human activities of which words are part. Ignoring the diff-
> erent language-games and their ends or purposes when seeking
> the meaning of a word is like trying to understand the break
> lever in the locomotive without understanding what a
> locomotive does, or what it is for.[27]

The conventional notion of language insists that words are only symbols in a communication code, that they stand for concepts and ideas that transpire in the mind, but Wittgenstein believes that "language is a form of, not an adjunct to human action" and life.[28]

THE CRITIQUE OF THE CONVENTIONAL VIEW OF LANGUAGE

Consequently, with the multiplicity of meanings and language-games, language is shaped differently in each society. More importantly, this means that social reality is constituted, perceived and understood differently in each society. This is, language and the language-games that are played in a society contain meanings and these meanings are what is perceived and accepted by a society as being social reality. Moreover, the members of a society also act and experience life according to the meanings and perceptions they have developed in their language. It is in this way that language is considered to constitute social reality.

This notion totally goes against the conventional view of language. The behaviorists do not believe that words tend to construct and interpret social realities. The behaviorists fail to understand that they cannot divorce themselves from social reality and use-non-subjective language to interpret reality. Behaviorists make the mistake of trying to reduce the complexity of language.

Social reality resides in the subtle language differences of meaning found in the languages of every society. For Wittgenstein, culture produces social reality. What is discussed and what is acted upon by a society simultaneously shapes the language and the social reality for that society. "Language becomes seen as human activity rather than as a collection of labels of phenomena and that activity may be carried on in quite different ways depending on what the talking human beings are up to."[29] This human activity develops differently according to the direction, pace and priorities of a given society. One then must investigate the linguisitic discourse that takes place in that society in order to understand its perception of what reality is.

The social and political behaviorists do not do this. Moreover they impose their own terms and language on their field of study which does not necessarily conform to the common understanding and use of the members of the community. They impose their own linguistic-conceptual framework on societies and neglect the idea that there are various language-games being played which cause different "facts" and perceptions to emerge. The behaviorists argue that they have created their language in order to ensure greater accuracy of meaning and achieve universal consistency. For example, Easton speaks of "demands", "supports" and "political systems" without the slightest doubt that they have meaning and are interpreted the same way in all societies. Because the terms are considered to be value-free they are believed to be able to cross cultural boundaries without any alteration of meaning.

But because this "value-free" language is not taken from the common parlance of society, the philosophers of ordinary-language contend that the words, in fact, have no meaning at all. The language is part of a conceptual model created by a behaviorists and the language is not part of the "activity" or form of life practiced by society. That is, when people are engaged in political conversation, they do not speak in terms of "demands", "supports" and "outputs". These words are not part of the political language-game vocabulary of every society and thus they cannot hold universal and consistent meanings. The meaning and understanding of what political reality is for a community is comprehended by the common language that is spoken by the people. For example, can the word "government", its meaning, its prupose, its nature, be completely understood the same way by an individual from North America as by an individual from a Latin American country that has historically suffered from poverty, unequal distribution of wealth, coup d'etats and dictatorships? It is likely that a close examination of the common-held meanings and understanding of the word "government" in both societies

would draw dissimilar definitions. Moreover, to insist that some common meaning of the word "government" must be found from both societies will likely reduce its meaning to such a low common denominator that the word will ultimately be unable to tell the political scientist anything in particular or different about how "government" is understood in both societies. That is, it will not be able to tell a political scientist all there is to know about what "government" really means for both societies. Thus the language of the behaviorists can give false or incomplete descriptions of social reality. The language fails to take into account what a society really means or understands by a word, a phrase or a language. On another and closely related level, the behaviorist language has become so different from common everyday language that as it loses a substantial amount of meaning, it also tends to "objectify" human beings. The language used by behaviorists is so consciously emptied of any values that it can no longer provide any meaning. Without any meaning, there is no order and consequently no possibility for the moral man to exist. The human element becomes lost. For example, where is the human element in the Eastonian model? The human element is the capability to differentiate right from wrong. The human element is also the capability for a community to decide on what is the "good", and strive for its achievement. The Eastonian language does not allow for this. With its analysis based on terms like "demands", "supports", "outputs" and "feedback", there is no possibility for a political scientist to judge whether the nature of a "support" or "demand" is just or not. Moreover, the language speaks of "demands" and "supports", but it does not provide any understanding of other crucial areas of politics like the "rights", "duties", "obligations" and "responsibilities" of community members. The language is too general, and it becomes incapable of making moral distinctions. It does not allow the political scientist to see and understand the moral relations that take place between men in a political society. Without a moral center to the language, any political situation can exist and escape judgement.

For example, Easton uses the term "stress-alleviating" to define certain political phenomena that has redressed an imbalance or stress on the political system (i.e. increased supports, decreased demands, increased outputs, change of authorities or regimes), As such, his theory and language allow the Naxi regime to be interpreted as " stress-alleviating" and a desirable element to the maintenance of the German political system. But the notion of the Nazi regime as something positive is absurd. The Nazi regime was totalitarian and brutal and it did nothing to truly ameliorate the collective lives of the German people. Easton uses language, like the term "stress-alleviating, in such a way that it cannot hold any moral meaning or significance. That is, Easton attempts to objectify language so much so that it ultimately loses any meaning and allows the possibility for the "morally outrageous" (e.g. Nazi regime) to be viewed in a totally uncritical light. "Stress-alleviating"betrays the purpose of language and cannot tell the political scientist anything worthwhile. The language lacks any human value. The Eastonian language is pseudo-language and does not carry with it the full understanding of political and social realtiy.

The crisis that is being faced in most contemporary modern societies is that governments are using the behaviorist language to state or comment on social realities. The propaganda machines of many governments have used terms to evoke different or incomplete interpretations of social reality. For the most part this government language has lost its moral element and has replaced it with ideological precepts. For example, the USSR considers itself a "democratic" state with more "rights" and "freedoms" than any other state in the West (e.g. the right for every individual to be employed). Yet according to Western standards, the democratic principles are not upheld in the USSR. Consequently, the concept of "democracy" is out of place in the USSR. Nevertheless the

Soviet community has gradually begun to associate the idea of "democracy" as being other elements practiced by their state, such as the building-up of communism and the need to abolish hostile classes. In this context, democracy begins to lose its traditional meaning and, as such, anything the USSR does is termed "democratic" by its government.

Governments have altered the meaning and practices of words so that reality is concealed or understood differently by the community. This was one of the criticism of the US government during the Vietnam war. The government spoke of "non-toxic resources control" when they chemically defoliated or destroyed crops in Vietnam. The word "relocation" was used when the US government forced the transfer of civilians. Invasions were called "incursions". "An unprovoked act of aggression by US planes involving the dropping of napalm on randomly selected villages was referred to by the Pentagon as 'a protective reaction raid'. Television news reports of war casualties spoke not of the number of human beings killed but of the daily 'body count'."[30] This type of language is devoid of moral distinctions. It dulls the senses of what is moral, what is good, and what is "outrageous" in life. The proliferation of this type of language in society "objectifies" man, he becomes a thing, because he slowly lacks the ability to feel and to understand reality. Since the language is neutral, man becomes neutral.

Thus the quest to make language objective and scientific has the effect of making man empty. Modern social and political behaviorists have used language destructively. The creation and manipulation of language by the social behaviorists and governments has changed the percpetion and understanding of what constitutes social reality. It has made language the product of elites (i.e. behaviorists, governments). It has "privatized" language and made it become less and less the out-growth of free public discourse. Consequently, it becomes more difficult for the behavioral political scientist to have a complete comprehension of what is political and why.

CONCLUSION: THE POSSIBILITY OF A POLITICAL SCIENCE

At the onset it was stated that contemporary political science
was in a crisis. It has fallen into this state because it has attempted
to emulate the methods, practice and philosophy of the natural sciences
to the social sciences. In the process of this emulation, knowledge
of political reality has become either distorted or falsified. Social
phenomena has not been completely understood by the behavioral political
scientist. The increased detachment and objectivity of the methods
of the behavioral political scientist has alienated the discovery of any
true political science because it has alientated its main subject: man.
"The villain has become ("scientism"); the tools and methods of our object-
ive science have become so powerful that scientific knowledge of the
world has long since left common sense and ordinary human understanding
hopelessly behind".[31] Consequently, man, and the social phenomena around
him, becomes treated not immorally, but what is worse, amorally. In
this way, behavioral political science eliminates the most crucial aspect
of understanding social reality: the human and moral element.

Thus political scientists are forced to look elsewhere to find
ways to grasp and comprehend social and political reality. Wittgensteinian
philosophy can be considered a possible course. The philosophy directs
the political scientist to look at the common-sense parlance language
to find an understanding of what political reality is. The philosophy
purported that everyday language, with all its nuances and expressions,
interprets and forms the human perception of social and political reality.

The Wittgentseinian philosophy also holds that language is an
activity in which all men participate. The philosophy re-introduces a
notion of community where language bonds men together. It is this sense
of community that allows man to achieve meaning, purpose and a sense of
morality again. It is within such a community, where men closely interact,
speak and relate to each other, that man no longer becomes treated

as an "object". The Wittgensteinian concept of community and language provides man with a common understanding, a common view of life and a common framework in which to view reality.

The key to understanding this reality for the political scientist lies with the study of the various language-games played within a society. A study of the words, phrases and terms used by individuals within the community will reflect their perception of what political reality is. Such a study should concern itself with when various words, phrase and terms are used, how they are used, and how they are interpreted. In short, the political scientist should learn the common-language understanding of what political reality is for a community.

Yet not all communities use words in the same way, with the same meaning, in similar situations. Language and meaning varies from community to community. Consequently, the Wittgensteinian philosophy infers that social reality also changes from community to community. There will be communities that will conduct, understand and speak of their political world quite differently from that of other communities.

Thus a Wittgensteinian study of politics becomes more complex than that of a behavioral political scientist. It would require a closer study of the common parlance of a given community and an avoidance to arbitrarily impose a set of defnitions and meanings on the language of the community. The political scientist would also have to accept the multiplicity of meanings in a language as all valid inferences to what political reality is. It is within the many language-games that a political scientist can learn about a community understanding of what justice is, of what is deemed the public good, and what the priorities of the community are considered to be. Therefore, the political scientist is forced to become more attentive to the community and cannot enter his study with any preconceived notions, terms, models or theories.

In a Wittgensteinian political science the skill of a political scientist would be measured by his ability to extract any consistent meanings or understanding of politics found within the language of the community and then to redefine them into a coherent and accurate set of definitions that would still be recognizable to all members of the community. This is no easy task. But the method can provide a better account of what political reality is and, more importantly, give the common man guidance and an understanding of where he stands and where he needs to go in his political community.

FOOTNOTES

1. "That is, the questions citizens and political leaders face: What should our national goals be? Which among the policies we must choose is the most just?, etc." from J.W. Danford, Wittgenstein and Political Philosophy: A Reexamination of the Foundations of Social Science (University of Chicago Press: Chicago, 1976) p.207.

2. H.F. Pitkin, Wittgenstein and Justice: On the Significance of Ludwig Wittgenstein for Social and Political Thought (University of California Press: Berkeley, 1972) p.322.

3. Ibid., p.27

4. Danford, p., 44

5. Ibid., p.48

6. P.R. Struhl and K.J. Struhl, ed., Philosophy Now:An Introductory Reader 2nd ed. (Random House: New York, 1975) p.185.

7. Ibid., p.1147.

8. A distinction is made here by the ordinary language philosophers about actual physical realtiy and fact. Physical reality is indivisible, it is something that actually exists "out there". But a fact is a product of an interpretation, and one that is based on the nature of the thought processes characteristic of a particular society. Moreover, the nature of the interpretations and thought processes, is largely shaped by the language of the society. What in effect this means is that what is physical reality and what is called fact are not the same thing.

9. For a more detailed discussion see F. Waismann, "Language and Thought", in P.R. Struhl and K.J. Struhl ed., <u>Philosophy Now" An Introductory Reader</u> 2nd ed. (Random House:New York, 1975) p.149.

10. Ibid.

11. P.R. Struhl and K.J. Struhl, p.147.

12. Waismann, p.149.

13. Ibid.

14. Ibid., p.150

15. Pitkin, p.104

16. Danford, p.77.

17. Pitkin, p.36

18. Quoted in Ibid., p.36-27.

19. Danford, p.80

20. Pitkin, p.11.

21. Ibid., p.39.

22. Ibid., p.41-42

23. Danford, p.80.

24. <u>Ibid</u>

25. Ibid.

26. Ibid.

27. Ibid., p.85-86

28. Ibid., p.86

29. Pitkin, p.4.

30. P.R. Struhl and K.J. Struhl, p.170-171.

31. Pitkin, p.318

32. Ibid., p.320.

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AN EXAMINATION OF THE
HISTORICAL METHODOLOGY OF
QUENTIN SKINNER AND J.G.A. POCOCK

VINCENT CALDERHEAD

This essay is an attempt to come to terms with the history of political theorising or in equivalent terms, the history of political philosophy. It is essentially a discussion of how historical analysis and philosophising about politics can be accommodated- indeed must be accommodated. The subject matter would not be overly problematic if our concerns were simply historical or, if on the other hand, we were exclusively interested in philosophy. We would then be able to describe our venture as John Plamenatz did in the preface of his exegetical work Man and Society: "This book is not a history of political thought; it is... a critical examination of a number of important theories."[1] Unlike Plamenatz, however, the historian of political philosophy, has no choice but to negotiate a compromise between the frequently stringent claims of historical analysis and the less temporally-minded concerns of philosophy.

Some substance may be brought to this discussion by the use of a concrete example. Hobbes' Leviathan represents an instance in the history of political thought in which the modern day reader is faced with the problem of how to "understand" the Leviathan i.e., what is the Leviathan's meaning? One response may be that the Leviathan means whatever Thomas Hobbes intended it to mean, and since the same words may be used to articulate a variety of meanings at different times and places, the only sure way to know what Hobbes meant is by means of a complete historical analysis of the context in which Hobbes' lived. Such an

analysis, this view claims, can be the only way of recovering Hobbes' intentions as they are reflected in the Leviathan. An alternative answer to the meaning of the Leviathan may be that the meaning is accessible directly through the text. This so-called "textual" methodology is premised in the belief that the great works of political thought, (i.e., those books at the opposite end of the abstraction scale from election manifestoes) can be understood by a close reading of the text itself.

The two pursuits are starkly contrasted by J.G.A. Pocock who, in agreeing with the historical school admits that abstract or idealistic interpretations (i.e., textual readings) are a "legitimate activity" but must remain "separate" so that non-historical readings will in no way be construed as "meanings borne by the text, or intended by its author, in history."[2] "The theorist must be asked to accept separate but equal status and abstain from the practice of history if he/she is unwilling to accept its discipline."[3] It is, therefore, clear that the methodologies are in opposition with regard to their foundational concerns. The remainder of this paper will examine these contentions and try to discover the ground on which a reconciliation may be found.

In order that we may successfully broach the problem of how to write the history of political theory, it may, first of all, be of some benefit to freshly define the constituent elements of our topic. History, or rather the 'historian', writes Michael Oakeshott, is a person who is interested in the past not in relation to the present, as is the ideologist's wont, but rather has an interest in past events for their own sake, or in respect of their independence of subsequent or present events. The 'historian's' methods are akin to those of science, particularly in terms of their rules of evidence and logical

coherence. The 'historian' must, however, respect the difference between the two pursuits (history and science), he must be sensitive to his own biases because unlike the predilections of the scientist, the historian's point of view does have an effect on the objective situation being investigated. Having posited that the 'historian's' preoccupation is with occasions rather than ineluctable laws,it can be safely conceded that the 'historian' may and in fact does attempt descriptions of those events or conditions which might have mediated one circumstance to another. That is, 'Just as nothing in the social world is 'accidental', similarly nothing is 'necessary' or 'inevitable'."[4] History may very well provide a set of influences or factors which (to use Oakeshott's example) make the French Revolution "seem neither an 'accident', nor a 'miracle', nor a necessary event, but merely an intelligible occurrence."[5] 'History', true history,never claims competency in being able to predict the human decisions and actions which ultimately determine the outcome of an historical situation. In plain terms then, the role of the historian is to discover the contributing factors that preceded an historical event not to determine the inevitability of that event.

Political philosophy, as the other half of the problematic venture, is concerned with "either preservation or change". "When desiring a preserve, we wish to prevent a change to the worse; when desiring to change, we wish to bring about something better".[6] Political theorizing, then, is an expression of desire by men for perennial objectives such as freedom and justice. The question of what prompts political theorizing to be undertaken cannot be satisfactorily answered in a straightforward manner. Quite often, political theories are proposed in response or in reaction to an existing set of circumstances in a society. This may certainly have been the case with Hobbes, where a more or less coherent system of ideas on politics were directed towards solving problems in contemporary England. But surely not all theories are as pragmatic or myopic in terms of their intent. A particular

theorist who writes for the moment might also believe that his thoughts are less narrowly applicable. Parekh and Berki state that "all major thinkers of the past at least down to the eighteenth century... imagined themselves to be dealing with the inescapable, universal problems arising out of the human predicament."[7] Political philosophy at its most abstract, therefore, concerns itself with man, his position in political society and the form that political organization should take if men living together are to achieve the 'good life'.

Equipped with these understanding's of history and political philosophy we must now examine the recent methodological innovations of Quentin Skinner and J.G.A. Pocock. With regard to the new approach, Pocock states that it "offers a means of treating the phenomena of political thought strictly as historical phenomena".[8] To be sure, the new method of studying political theory continues to have as its main objective the recovery of a work's originally intended meaning (i.e., the meaning which the writer originally intended it to have). However, the discovery which Pocock and Skinner are claiming to have made is that political theory as understood in terms of intentions and meanings, can only be conceptualized and transmitted within a culture by means of a conventional language structure. That is to say, the prevailing language 'system' helps to both constitute the thinker's conceptual world and allow him to transmit his thoughts to someone else who shares the same language system or paradigm. By language paradigm, we do not mean a particular language such as French or German, we mean rather, that a person living in a specific time frame and location necessarily used a systematic and conventional means of discourse to convey his intentions. To illustrate this concept we can employ Skinner's symbolic representation:

> any intention capable of being correctly
> understood by A as the intention intended
> by S... must always be a socially conven-
> tional intention - must fall, that is,
> within a given and established range of
> acts which can be conventionally grasped
> as being cases of that intention.[9] (my emphasis, V.C.)

These conventions, or informal and often unarticulated 'rules' of communication or standards of action are internalized and constitute the range in which communication may take place. The politico-linguistic conventions or paradigm is similar in concept to the Freudian 'superego' in as much as both are subconscious and both serve to regulate the individuals range of socially recognized and acceptable actions. The difference, of course, is that whereas a person who discourses outside the limits of the contemporary paradigm will simply go on without being understood, the socially deviant individual will be diagnosed psychotic and committed for treatment. Having reached this point, we can summarize the requirements of any situation in which communication is to take place: Firstly, an agent or in our case a political theorist is necessary, secondly, there must exist a political phenomenon on which he desires to comment, thirdly, the agent must have access to an existing structure of language which constrains his capacity to comment, fourthly, there is the agent's political theory or 'performance' which, in its articulation, may modify the political phenomenon or the existing language paradigm or both. Notice that this understanding stresses the linguistic context prior to stressing the political or social.[10]

It will be clear that, in the view of Skinner and Pocock, the intentions of a political philosopher will and can only make sense within the paradigmatic culture. A corrollary to this point is that any political theory articulated within the framework of one paradigm and interpreted from the external perspective of another paradigm can only result in the apprehension of a different theoretical argument. It is the anticipation of anachronistic exegesis which provoked John Dunn to comment:

> If, in our insistent urge to learn from the
> arguments of the past, we assume that its
> consequently enhanced intelligibility will
> teach us more, we merely guarantee that
> what it teaches us must be something different
> from what it says (i.e., what its author
> meant-V.C.) and furthermore that what it
> teaches us must be much closer to what we
> already know.[11]

Pocock and Skinner are promoting a methodology in which the analyst cannot even begin to understand a given text until he has focussed on the paradigms in which the particular theoretical speech-act has been formulated. Pocock indicates that for the historian of political theory, the first problem is to identify the language convention within which a particular author operated, and then to show how the language structure functioned in a paradigmatic manner; prescribing what the author might say and how he might say it. For example, a theorist in the late Renaissance period might have utilized or criticized any of three language paradigms to discuss questions of politics - theological, legal or humanist.[12] Another example is Hobbes' Leviathan, which, as we have been informed by Skinner, was written within a framework of secular discourse created to deal with the Engagement controversy.

Once a political writer's operational paradigm has been identified, the historian's next job according to Pocock, is to get to know that paradigm by learning to speak it and to think in its pattern or style until he knows that he is speaking it and can predict in what directions speaking it is carrying him.[13] It is therefore, only by being sensitive to the limited range of "words, expressions and phrases" which an author had available to him that the interpretor will be able to 'plug into' the authors true intentions. Quentin Skinner's version of the paradigmatic approach to the understanding of theory suggests we think of the structural conventions or paradigms not merely as something "of which the agent is aware, and which he deliberately follows" but should regard them much more broadly as the standards...we may expect to see followed in the case of various types of social action within a given culture".[14] In this light, Skinner's methodological injunction then becomes:

> begin not by trying to recover the agent's
> motives by studying the context of social
> rules, but rather by trying to decode the
> agent's intentions by aligning his given
> social action with a more general awareness
> of the conventional standards which are
> generally found to apply to such types of
> social action within a given social situation.[15]

To recapitulate what has been so far ascertained with regard to the Skinner-Pocock approach; it can be said that the methodology purportedly enables the interpretor to retrieve, with unprecedented accuracy, the intention and meaning of any theoretical tract. By familiarizing himself with the parameters and tenor of the appropriate paradigm, the analyst, then, has only to "close the context" by further historical or biographical study in order to narrow the range from what he must have meant. In the following section we will proceed to a critical examination of the paradigmatic approach to the history of political theory.

The basic premise underlying the Pocock-Skinner method is that people in general and political theorists in particular are confined in their use of language. As explained earlier, the existing 'language' constraints necessarily channel a perspective writer into a culturally specific mode of expression - the paradigm. We must accept that each paradigm is peculiar to one and only one culture or, in Pocock's words, "the history of political thought... might be defined as a history of change in the employment of paradigms."[16] If it is the case that paradigms are a function of space and time, as Skinner and Pocock believe, then we will be able to make use of them to positively identify a wide variety of characteristics pertaining to a piece of political writing.

First of all, the paradigmatic method of analysis militates against eccentric, ideological or otherwise externally imposed and alien interpretations of a work. In addition, it is argued that the historian's employment of the same paradigm that the author himself used, thereby ensures that the work being interpreted is treated as a whole. Frequently a political tract contains passages that are incompatible with the received understanding of the book. The presumably incongruous sections are then ignored, explained away as mere historical

curiosities or dismissed as aberration or departures from the author's
true meaning.[17] 'This is the inevitable result', Pocock would say,
'of the imposition of the historian's own perspective on a work written
in a different time and place and with totally different intentions
then are to be found in modern theorists'. In the paradigmatic view,
everything fits into place, all sections of a work have a purpose
and can be subsumed into an integrated and coherant structure of
discourse.

A second feature of the methodology used by Skinner and
Pocock is that while textual exegetes attempt an interpretation while
being relatively ignorant of a writers unstated assumptions, the
paradigm method of analysis chiefly concerns itself with the debate
and the assumptions upon which it is founded. C.B. Macpherson's attempt
in The Political Theory of Possessive Individualism to deduce necessary
and sufficient, yet unstated assumptions from the political discourse
of England in the Seventeenth century, has been comparatively successful.
Macpherson observes that there may be two reasons why a political
writer will fail to state his assumptions:firstly, "where a writer
can take it for granted that his readers will share some of his assumptions,
he will see no need to set these out...in his argument (e.g., it was
a common assumption in the Seventeenth century that the labouring class is
separate and scarcely to be considered part of society and therefore
need not be taken into account) secondly, a writer might not state some
of his assumptions because he may himself not be fully aware that he
possessed them."[18] While Macpherson has attempted to deduce unstated
assumptions from the exigencies of a political work, Skinner and Pocock
make it their chief goal to familiarize themselves with the contemporary
language structures, the underlying premise of these conventions and
the way they are integrated so as to transmit a message. To be acquainted
with a paradigmatic usage is to know what the author is "doing" when

he uses a particular convention of discourse. It is to be knowledgeable about the writer's assumptions and intentions. What the historical paradigmatic school is claiming is that a student who is not aware of a text's relevant paradigm, let alone its teleological status, runs "the risk of assimilating an author to a completely alien intellectual tradition, and thus of misunderstanding the whole aim of his political works".[19] Also, an exclusively textual study has no defense against the hazards of interpreting an ironical work as though it were representative of a writer's true views.

A third point and one which has serious philosophical implications is that in light of the presumptions behind the paradigm methodology, it is meaningless to talk of a 'history of ideas' or 'perenial questions'. In his discussion of this subject, Skinner states that "the great mistake lies not merely in looking for the essential meaning' of the "idea" as something which must necessarily "remain the same", but even in thinking of any "essential" meaning... at all".[20] Therefore, "the notion that any fixed idea has persisted is spurious"[21],...."rather, the meaning of an idea must be its uses to refer in various ways"[22]. In this view words derive their meaning only in relation to the conventions or paradigms which govern their use. As such, the history of an idea can never be more than a "history necessarily focussed on the various agents who used the idea, and on their varying situations and intentions in using it".[23] This point, if accepted, casts a dark shadow over any discussion of questions which ask, for example. 'Do Aristotle's and Rousseau's conceptions of justice have anything in common?'. Skinner's contention is clearly that 'textualism' cannot account for the variety of historical meanings underlying the same word. On the other hand, Skinner enthusiastically presents his method as being founded on an intimate understanding of current usages.

A fourth and final consideration of the paradigmatic school of interpretation relates to the issue of paradigm change. Pocock approaches this subject by saying,

> If an author was what we call "creative",
> "seminar" or"revolutionary", we can as-
> cribe to him a definite effect (and per-
> haps intention also) of changing the par-
> adigm structure by some force which his
> utterances exerted.[24]

It is the author's creative genius which enables him to not only breach the current paradigm but also to develop an entirely fresh way of looking at a political situation. Acceptance of a new paradigm structure is hardly automatic, and proceeds not because of the cogency of the paradigm but rather for what have been termed "irrational" or complex sociological reasons.[25] The essential point which Pocock and Skinner want to make is that individuals have not been totally constrained to articulate their views within the authority structure of a paradigm but rather have occasionally 'broken through' and in doing so have created an original structure of linguistic discourse. It is indeed the most 'seminar' or 'creative' minds who have developed the new paradigms and this, in turn, is how we come to know them as being 'creative' or 'revolutionary'. Skinner observes, "far from denying such moments of creativity, my approach seems in this way to provide the only means of recognizing and illuminating them in a genuinely historical way."[26]

Criticisms of the approach which Pocock and Skinner have explicated generally, and quite naturally, come to focus on the innovative aspects of their technique. It is, in political science, as in all academic endeavors, the 'new' and the 'different' which are likely to attract the most critical attention. In the case of Skinner and Pocock it is the application of the paradigmatic approach to the history of political theory which has caused the most controversy.

The notion of intellectual debate and action as being conducted within an authority structure or linguistic paradigm was first presented by Thomas Kuhn in his book The Structure of Scientific Revolutions. Kuhn believed that scientific research and practical work is directed in a prescribed manner toward the achievement of certain goals thus all scientific paradigm or general outlook. In reference to the subject matter delineated by a paradigm, Kuhn states,

> To a great extent these are the only problems
> that the community will admit as scientific
> or encourage its members to undertake. Other
> problems, including many that had previously
> been standard, are rejected as metaphysical...
> and... Once a first paradigm through which to
> view nature has been found, there is no such
> thing as research in the absence of any para-
> digm. To reject one paradigm without simul-
> taneously substituting another is to reject
> science itself.[27]

When a paradigm has achieved as much as it can without encountering intractable problems, the field is said to be in a state of crisis or disorder which in turn sets the state for the presentation and articulation of a totally new approach. The difficulties experienced within the old paradigm are now seen to be irrelevant or at least relegated to a new position in terms of the new paradigmatic framework. Pardigm change has been compared to a Gestalt shift but, as Kuhn observes;"the scientist does not preserve the Gestalt subject's freedom to switch back and forth between ways of seeing".[28] Indeed, "like the choice between competing political institutions, that between competing paradigms proves to be a choice between incompatible modes of community life."[29] In this view the revolutionary scientist is a person like Lavoisier who proposed looking at the gas which combines with heated metals as oxygen rather than dephlogisticated air. If the logical implications of the paradigmatic approach are fully explicated, it will be noticed that in the natural sciences, linear progress iS not achieved but rather we experience the physical world in a never ending series of different ways.[30] None is more accurate than the other, none has a clearer understanding of the

world, all are equally arbitrary. It may well be said that a paradigmatic methodology is harmless for regardless of how we conceive the natural world, the world 'out there', is impossible for our paradigms to change or otherwise effect it. Let us now turn to the political world to see what criticism have been levelled at this approach as it has been applied to the history of political philosophy.

A first and perhaps obvious criticism of this method of recovering the intentions of any particular political philosopher is its almost complete neglect of philosophy. One of the functions of the political scientist who studies political thought historically is to evaluate it in philosophical terms. Schochet, in criticism of Skinner, states, "there are historically valid distinctions between "great" and "profound" works of political theory and those that are insignificant and remain justifiably obscure".[31] A further point on this matter is, as Dunn has remarked, that regardless of the completeness of the causal and historical explanation, "it cannot give any full account of its (i.e., the words) truth status".[32] To use, Dunn's helpful example, 'In the history of science, the full set of statements about the sufficient conditions of Aristarchus of Samos' heliocentrism does not serve to tell us the sense in which his theory was true or false".[33] In plain terms, the truth, or at least cogency of a theoretical argument is contingent on the adequacy of its philosophical assessment. No description of a writer's psychological state taken together with a familiarity with the paradigm which he employed can thereby influence the truth or falsity of his work. The grievance here with Skinner's methodology is that he has neglected the philosophical component which is necessary for a sufficient interpretation of a theoretical tract. leave out a philosophical evaluation is to treat all political theories with the same regard, notwithstanding their intrinsic philosophical merit. In this view, the history of political theory degenerates into an exclusively one-dimensional activity; the absence of any philosophical

assessment leaves the historian without any capacity to distinguish
between those authors who rightly deserve to be studied and those who
are better left in obscurity. It also means that the academic study of
the history of political theory must be transferred to the history
departments of universities. This is so, because within the paradigmatic
approach, political theories are understood exclusively in relation
to contemporary social and linguistic concerns and hold none but an
antiquarian interest.

A second substantial line of criticism comes from Parekh
and Berki; it amounts to a direct confrontation with the whole concept
of paradigms. They state, "there is...no such thing as a 'range of
descriptions' existing at any one time...and the boundaries of which
could even in theory be indicated".[34] Rather, they believe, it is
the case that "Language is a dynamic whole; it constantly undergoes
changes and transformations which renders some words any meaning obsolete
and others novel".[35] In their view, there is a continuous "stretching
of language".[36] by thinkers which does not permit a "range of descriptions"
or even words to have a fixed or determinable meaning, let alone an "in-
stitutionalised authority structure".[37] In contrast to the school of
Skinner and Pocock, Parekh and Berkhi understand the role of the
political theorist as essentially that of an innovator; "in other words,
philosophers and theorists teach their audience. They are the ones
who stand in the front row of pioneers engaged in the activity of
deepening and further refining a society's understanding of its own
changing experience."[38] This point of contention is fundamental and
deserves much more investigation. The existence or non-existence of
paradigms in the world of political theory is crucial, not merely because
it implies that theoretical discourse is necessarily carried out in
a determined way and in specifiable confines; it is crucial for the philoso-
phical implications it carries with regard to the potential intentions
which a theorist may conceive. A claim for the existence of 'hermetically

sealed' paradigms implies, as Skinner states, that these language structures are not temporally universal but rather "cannot be said... to have any meaning that can take the form of a set of words which can then be excogiated and traced out over time".[39] The meaning and relevance of any political or indeed philosophical work must, therefore, be found within the available 'intentions' of a particular paradigm. To express this in a different and more ominous way: A writer's range of significant intentions must, if they are to be meaningfully understood, be confined to the specific political or philosophical issues around which a paradigm has been constructed. In response to the suggestions by Parekh and Berki that the Leviathan, of all works, surely has universal significance, Skinner admits only "that Leviathan is probably the most plausible candidate, but...even in this case such an assumption would in fact be misplaced".[40] Later, Skinner declares unequivocally that Hobbes' "work was addressed to a strictly limited and precisely identifiable audience."[41] In plain terms then, Hobbes' Leviathan, could only have been "intended" to be a work strictly concerned with the problem of political obligation after the execution of Charles I.

The problem is now immediately obvious. The insistence that a theorist must have conceived and articulated his thoughts in terms of an historically specific paradigm is also an insistence that his concerns were exclusively pragmatic and directed to the short-term goal, indeed in this view, there is only one goal, that which is to be achieved within the parameters of the paradigm. A political theorist cannot universalize and cannot speak about the human condition 'per se'. The discussion of the concept of political philosophy at the beginning of this essay, (i.e., a discussion which included the possibility and indeed likelihood that an author would write about the organization of politics in an abstract manner), is, in the paradigmatic view, mere 'idealism' and 'false consciousness'.

The matter of history too must be raised. If we accept the contention that the 'historian's' approach is essentially empirical, then it is clear that the 'historian' must not attempt ineluctable laws and rules of history but rather deals with the 'occasion'. Yet if we closely examine the implications of Skinner and Pocock's view of the history of political theory, are we not forced to conclude that they are proposing an epochal-historicist view of history. The proposition that political discourse is carried on in logically distinct structures that are concerned only with contemporary issues, is surely to describe a political and philosophical relativism. This is, in itself, a metaphysical presumption, and, as we have seen, is consequently anathema to the writing of 'history', true history.

Skinner and Pocock have foundered on the rocks of common sense. Their overly enthusiastic and uncritical adoption of the Kuhnaian model has also forced them into a very awkward and seemingly inescapable corner. Firstly, the problem arises from the fact that unqualified acceptance of a rigorous paradigmatic approach to science, be it natural or social, necessarily involves the acceptance of scientific and philosophic relativism. The support which Skinner and Pocock have given to Kuhn's paradigmatic intellectual determinism and relativism quite clearly precludes the possibility of any universalistic thought. It is the prospect of such determinism and relativism which comes into conflict with sober minded common sense.

Secondly, we may admit that the use of paradigms in the study of the history of political theory holds considerable potential as a partial aid to recovering not only the context which may have influenced an author's immediate intentions but also his aspirations on a more abstract level. However, the fatal error occurs in the imposition of a methodology involving inflexible and otherwise strictly 'incompatible' paradigms. For not only does such an approach rule out abstract theorising about politics, it goes further and undermines in principle (and consequently in practice) any attempt by political scientists to completely abstract themselves from their own paradigm and immerse themselves in any other paradigm. Just as Pocock has taken pains to show that, for political thinkers, paradigms "constitute both their conceptual worlds and the

authority structures or social worlds"42, so we must also include that
this is the case for modern men such as Skinner and Pocock. If we take
this statement by Pocock together with all that Kuhn has said
concerning the constitutive and incommensurate nature of paradigms,
must we not conclude that Pocock's admonitions against non-historical
exegesis are hollow in that he himself is guilty of a more subtle and
perhaps unwitting reading of political theory back from his own historical
position.

FOOTNOTES

1. John Plamenatz, Man and Society, (London, 1964), vi.

2. J.G.A. Pocock, "Reconstructing the Traditions: Quentin Skinner's
    Historian's History of Political Thought", review
    article in Canadian Journal of Political and Social Theory,
    Vol.3, No.3, (Fall, 1979), p.96.

3. Ibid., p.97.

4. Michael Oakeshott, Rationalism in Politics and other essays, (london, 1962),
    p.157.

5. Ibid., p.157.

6. Leo Strauss, What is Political Philosophy? (Chicago, 1963) p.10.

7. Bhiku Parekh and R.N.Berki, "The History of Political Ideas:
    A Critique of Q. Skinner's Methodology" in the Journal of the,
    History of Ideas, Vol.34, 1973, p.173.

8. J.G.A. Pocock, Politics, Language and Time, (New York), 1971, p.11

9. Quentin Skinner, "Conventions and the Understanding of Speech Acts",
    p.133 quoted in Gordon Schochet, "Quentin Skinner's Method"
    in Political Theory, vol.2, no.3, August, 1974, p.264.

10. Pocock, Politics, Language and Time , pp.98-99.

11. John Dunn, "The Identity of the History of Ideas" in Philosophy,
    vol. XLIII, no.164, April, 1968, p.96.

12. Pocock, _Politics, Language and Time_, p.25.

13. Ibid., p.26.

14. Quentin Skinner, "Social Meaning and the Explanation of Social Action," in _Philosophy, Politics and Society_, ed. Peter Laslett, W.G. Runciman and Skinner, (Oxford, 1972), p.154.

15. Ibid., p.154.

16. Pocock, _Politics, Language and Time_, p.21.

17. Gordon Schochet, "Quentin Skinner's Method" in _Political Theory_, Vol.2, no.3, August 1974, p.266.

18. C.B. Macpherson, _The Political Theory of Possessive Individualism_, (Oxford, 1962), pp.5-6

19. Quentin Skinner, "Some Problems in the Analysis of Political Thought and Action", in _Political Theory_, Vol.2, no.3, August 1974, p.288.

20. Quentin Skinner, "Meaning and Understanding in the History of Ideas" in _History and Theory_, Vol.8 (1968), p.37.

21. Ibid., p.35.

22. Ibid., p.37

23. Ibid., p.38

24. Pocock, _Politics, Language and Time_, p.25.

25. Richard Ashcraft, "On the Problem of Methodology and the Nature of Political Theory"- in _Political Theory_, Vol.3, no.1, February 1975, p.12.

26. Skinner, "_Problems in the Analysis of Political Thought and Action_", p.287.

27. Thomas Kuhn, _The Structure of Scientific Revolutions_, (Chicago, 1962),p.79.

28. Ibid., p.85.

29. Ibid., p.93

30. Ibid., p.91

31. Schochet, "_Skinner's Method_", p.270.

32. Dunn, "_Identity of the History of Ideas_", p.90.

33. Ibid., p.90

34. Parekh and Berki, "History of Political Ideas", p.167.

35. Ibid., p.167

36. Ibid., p.167

37. Pocock, Politics, Language and Time, p.18.

38. Parekh and Berki, "History of Political Ideas", p.168.

39. Skinner, "Meaning and Understanding", p.37.

40. Skinner, "Problems in the Analysis of Political Thought and Action", p.289.

41. Ibid., p.286

42. Pocock, Politics, Language and Time, p.15.

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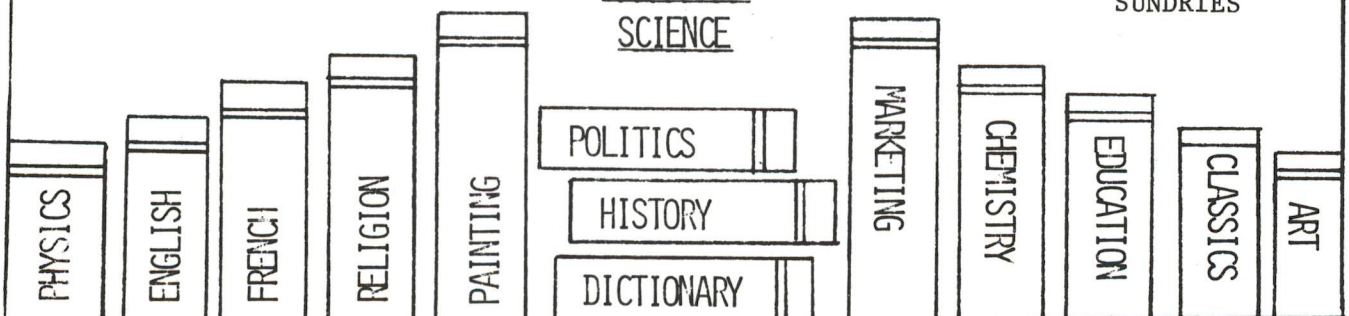# A FRIEND

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